DOCUMENT RESUME

ED 125 814 RC 009 295

TITLE	Accelerated Progress Through Self-Determination. First Annual Report of the Choctaw Self-Determination Project. July 1, 1971 - July 31, 1972.
INSTITUTION	Mississippi Band of Choctaw Indians, Philadelphia.
SPONS AGENCY	Office of Economic Opportunity, Washington, D.C.
PUB DATE	72
NOTE	98p.
EDRS PRICE	MF-$0.83 HC-$4.67 Plus Postage.
DESCRIPTORS	American History; Annual Reports; Community Development; Economic Development; Educational Needs; Federal Programs; Federal State Relationship; *Governmental Structure; Government Role; *Individual Power; Organization; *Program Administration; Program Development; *Reservations (Indian); Tribes
IDENTIFIERS	Choctaws; *Choctaw Self Determination Project; Mississippi

ABSTRACT

The Choctaw Self-Determination Project's philosophy was based on the relationship between reservation development and American Indian self-government. During the first year, the bulk of resources and staff time were directed toward the development and implementation of a more effective Choctaw tribal government system and the acquisition of Federal program resources to deal with the more critical human problems of the Choctaw people. The Strategic Planning Center for Choctaw Self-Determination sought to provide technical support to the Choctaw tribal government, emphasizing the development of plans and projects designed to: increase the efficiency and effectiveness of all tribal programs; reorganize the tribal government system; meet the manpower, economic, community development, educational, and health needs of the tribe; approximate as nearly as possible the optimal utilization of tribal resources; and enable the tribal council to position itself to administer and operate, on a contractual basis, all Federal programs presently conducted by other agencies for the tribe's benefit. This report describes the: premises upon which the project was developed and implemented, progressive steps taken during fiscal year (FY) 1972, tribal reorganization plan, tribal programs structure, economic development, Choctaw Self-Determination and tribal-Federal-State relations, and project priorities for FY 1973. (NQ)

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ACCELERATED PROGRESS THROUGH SELF-DETERMINATION

FIRST ANNUAL REPORT OF THE CHOCTAW SELF-DETERMINATION PROJECT JULY 1, 1971 - JULY 31, 1972

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July 31, 1972

Mr. Phillip Sanchez, Director
Office of Economic Opportunity
1219th Street, N.W.
Washington, D.C.

Dear Mr. Sanchez:

The Mississippi Band of Choctaw Indians is a nation of proud and determined people. We have always believed in our capabilities and now ask only the resources to develop them to a point where we will stand self-sufficient and self-governed.

The U.S. Office of Economic Opportunity is among the federal agencies to give us these resources and continues to back us in our efforts toward Choctaw Self-Determination. Tribal Council joins me in an expression of gratitude to OEO for actively carrying out the Indian policy devised by President Richard M. Nixon in his July, 1971, message to Congress. Your actions have helped "create the conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions."

Choctaw's "Era of Change," which began less than one decade ago, has been accelerated to a staggering degree in only one year. The Tribal Council and OEO-funded Strategic Planning Center for Choctaw Self-Determination have developed and implemented an astounding number of social, educational, recreational, economic and industrial programs.

This report is designed to provide you and other readers with a clear understanding of the Choctaw philosophy of Self-Determination. It describes the premises upon which the Choctaw S/D Project was developed and is being implemented while giving an in-debth analysis of progressive steps taken on our reservation during Fiscal Year 1972.

We feel that these steps toward progress and Self-Determination are concrete. The premises underlying the Choctaw S/D Project recognize the reality of reservation conditions. They are an admission that problem areas exist and an effort to replace problems with answers.

We ask that on the basis of this report, you continue active support of the Choctaw Self-Determination Project. Only through this support can we continue to move forward in our "Era of Change."

Sincerely,

Phillip Martin
Tribal Chairman

PM/rjt

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I. PREFACE: INDIAN SELF-GOVERNMENT[1]

Not all who speak of self-government mean the same thing by the term. Therefore let me say at the outset that by self-government I mean that form of government in which decisions are made not by the people who are wisest, or ablest, or closest to some throne in Washington or in Heaven, but, rather by the people who are most directly affected by the decisions. I think that if we conceive of self-government in these matter-of-fact terms, we may avoid some confusion.

Let us admit that self-government includes graft, corruption, and the making of decisions by inexpert minds. Certainly these are the features of self-government in white cities and counties, and so we ought not to be scared out of our wits if somebody jumps up in the middle of a discussion of Indian self-government and shouts "graft" or "corruption."

Self-government is not a new or a radical idea. Rather, it is one of the oldest staple ingredients of the American way of life. Many Indians in this country enjoyed self-government long before European immigrants who came to these shores did. It took the white colonists north of the Rio Grande about 170 years to rid themselves of the traditional European pattern of the divine right of kings or, what we call today, the long arm of bureaucracy, and to substitute the less efficient but more satisfying Indian pattern of self-government. Indian self-government is not a new or radical policy but an ancient fact. It is not something friends of the Indians can confer upon the Indians. Nobody can grant self-government to anybody else. The Federal Government which is, today, the dominant power of the civilized world cannot give self-government to an Indian community. All it can really do for self-government is to get out of the way.

In the history of Western thought, theologians, missionaries, judges, and legislators for 400 years and more have consistently recognized the right of Indians to manage their own affairs. For 400 years, men who have looked at the matter without the distortions of material prejudice or bureaucratic power have seen that the safety and freedom of all of us is inevitably tied up with the safety and freedom of the weakest and the tiniest of our minorities. This is not novel vision but ancient wisdom.

How can we explain the fact that despite all the respect and reverence shown to the principle of Indian self-government across four centuries, there is so little left today of the fact of Indian self-government? How can we explain this discrepancy between word and deed?

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[1]The preface to this report is a reprint of an article by Felix S. Cohen entitled "Indian Self-Government," which first appeared in The American Indian in 1949 This preface crystalizes the philosophy of Choctaw self-determination in 1972.

It takes a certain amount of sophistication to realize that the vision of others who see the world from different perspectives is just as valid as our own. One of the striking features of the administrative or bureaucratic mind is that it lacks such sophistication. Thus, it often turns out that the officials who have most to say in praise of Indian self-government have a certain blind spot where Indian self-government comes close to their own activities.

The result is that while every official is in favor of self-government generally, by the same token he is opposed to self-government in the particular field over which he has any jurisdiction. In that field he can see very clearly the advantages of the expert knowledge which he and his staff have accumulated, and the disadvantages of lay judgment influenced by so-called political considerations which would be involved in decisions of local councils.

A certain Southwestern superintendent recently wrote an eloquent article in defense of Indian self-government, and in support of the idea that the Indian Bureau should work itself out of its job. A few weeks later some of the tribes under his jurisdiction decided that they needed legal assistance and proceeded to employ attorneys to help them handle their own leasing, grazing and social security problems. At this point all sorts of reasons began to occur to the superintendent why the tribes under his agency should not be allowed to select their own attorneys. In fact, for many months, as fast as one of his objections was met another objection occurred to him.

Here is a superintendent who is doing the best thing, as he sees it, for his Indians. He is, I believe, entirely sincere. Recently, he explained that if one of these attorneys contracts were approved he would be out of a job, so far as this particular tribe was concerned. Now you will recall that this is the same superintendent who wrote an article urging that the Indian Bureau work itself out of a job. But when the matter came to an issue in concrete terms affecting his own job, he saw the question in a different light. That is only human. That is a part of the egocentric predicament. And it is that predicament which makes the adherents and defenders of self-government so much more dangerous to the cause of Indian self-government than any outright adversaries. If self-government were a man it might repeat, "God preserve me from my friends. I can take care of my enemies."

Unfortunately, it is not the tribal decisions which we agree with that test our belief in the right of self-government. It is decisions that we loathe and believe to be fraught with death that test our beliefs in tribal self-government.

May we not profit, may not the world profit, if in a few places in our Western Hemisphere there is still freedom of an aboriginal people to try out ideas of self-government, of economics, of social relations, that we consider to be wrong? After all, there are so

many places all over the world where we Americans can try out the ideas of economics and government that we know to be right. Is there not a great scientific advantage in allowing alternative ideas to work themselves out to a point where they can demonstrate the evils that we believe are bound to flow from a municipal government that maintains no prisons, or from a government that gives land to all members of the group who need it? Are we not lucky that the areas within which these governmental ideas can work themselves out are so small that they cannot possibly corrupt the nation or the world?

Indeed, is there not a possibility that we can learn from example--horrible examples, perhaps, or perhaps examples to be emulated? Have we not been learning from Indian examples for a good many years? Have we not been taking over all sorts of horrifying Indian customs, disrespect for kings and other duly appointed authorities, the smoking of poisonous weeds, like tobacco, and the eating of poisonous plant products, like tomatoes, potatoes, tapioca, and quinine, not to mention cocoa and cocaine? Of course, we must all of us start with the assumption that we are right or as near being right as we can be. But can we not also recognize, with Justice Holmes, that time has upset many fighting faiths, and that even if we are possessed of absolute truth it is worthwhile to have somebody somewhere trying out a different idea?

Just as serious as the habit of double-talk or the egocentric predicament is the method of procrastination as a way of avoiding the concrete implications of Indian self-government. On May 20, 1834, not 1934 but 1834, the House Committee on Indian Affairs reported that a large part of the activity of the Indian Bureau was being carried on in violation of law and without any statutory authority. It urged that the Indian Bureau work itself out of a job by turning over the various jobs in the Bureau itself to the Indians and by placing the Indian Bureau employees on the various reservations under the control of the various Indian tribes. These recommendations were written into law. They are still law. The justice of these recommendations has not been challenged for 115 years. But always the answer of the Indian Bureau is: Give us more time. We must wait until more Indians have gone to college, until the Indians are rich, until the Indians are skilled in politics and able to overlook traditional jealousies, until the Indians are experts in all fields in which the Indian Bureau now employs experts. But we are never told how the Indians are to achieve these goals without participation in their own government. And so perhaps some of us are entitled to look with a skeptical eye upon the new legislative proposals by which the Indian Bureau is to work itself out of a job after the usual interim 10 year or 20 year period of increased appropriations.

What provokes skepticism is the fact that the various bills which are being introduced into Congress to achieve this objective generally end up by giving new powers and new millions of dollars not to the Indian tribal councils but to the Indian Bureau. And when we find that specific dates are not attached to any promised transfers of

power to the tribes, we are entitled to be skeptical. The record shows that for more than one hundred years the aggrandizement of Indian Bureau power has been justified on the ground that this was merely needed for a brief temporary period until authority could be conveyed over to the Indians themselves.

Indian Bureau government, like other forms of colonialism, starts from the basic premise that government is a matter of knowledge or wisdom. If we accept this basic premise, there is no answer to the aristocratic argument of Alexander Hamilton that government should be handled by the rich, the well born, and the able. If it be said that rich people and well born people are not necessarily able, the obvious answer is that those who are rich or well born are at least more likely to have expert knowledge, training, and experience than those who are poor or the children of poor families, and that in government we must proceed by general rules, under which it is safe to say that the rich, the well born, and the able will do a more expert job than others in the posts of government. One of the greatest of our Secretaries of the Interior, also, like Hamilton, an immigrant from lands that worshipped empire, Carl Schurz, once said to an Indian group that was inclined to object to the activities of some local agency personnel: "The Great Father is a very wise man. He knows everything. If there is anything wrong with your agent, he will know it before either you or I know it."

I think that if government were merely a matter of wisdom and expert knowledge, the argument of Carl Schurz and Alexander Hamilton would be irrefutable. The answer to Schurz and to Hamilton is that government is not a science; it is not primarily a matter of wisdom or technique or efficiency. Government is a matter chiefly of human purpose and of justice, which depends upon human purpose. And each of us is a more faithful champion of his own purposes than any expert. The basic principle of American liberty is distrust of expert rulers, and recognition, in action's words, that power corrupts and that absolute power corrupts absolutely. That is why America, despite all the lingo of the administrative experts, has insisted upon self-government rather than "good government," and has insisted that experts should be servants, not masters. And what we insist upon in the governing of these United States, our Indian fellow-citizens also like to enjoy in their limited domains; the right to use experts when their advice is wanted and the right to reject their advice when it conflicts with purposes on which we are all our own experts. The classical answer to the Hamilton-Schurz-Indian Bureau philosophy of "expert government" is the answer given by Thomas Jefferson in a letter to the Cherokee Indians in 1808. Jefferson said: "The fool has as great a right to express his opinion by vote as the wise, because he is equally free and equally master of himself."

The issue is not only an issue of Indian rights; it is the much larger one of whether American liberty can be preserved.

II. A BRIEF HISTORY OF CHOCTAW TRIBAL-FEDERAL-STATE RELATIONS[2]

A. The Mississippi Choctaws: Pre-Removal (1500-1830)

In the early 1500's, the Choctaw Nation was one of the largest and most prosperous tribes of American Indians east of the Mississippi River. The Choctaws controlled approximately 26 million acres in what is now the states of Mississippi and Alabama (see figure A). The Choctaws of that era were a proud and powerful tribe with a stable, democratic government and a sound agrarian economy.

The earliest contact between Europeans and the Choctaw Nation occurred in 1540, when Hernando DeSoto's expedition led him through Choctaw territory. The Choctaw Nation and its way of life were not seriously shaken by this brief but bloody encounter (the Spanish left some 1,500 Choctaw dead following their attempt to kidnap Tuscaloosa, a Choctaw district chief) but the memory of DeSoto's brutality was still alive when French traders first settled near the Choctaw in the 1700's, over 150 years later.

Although Choctaw-French relations were generally harmonious by the early 1740's, the bulk of the 18th Century was characterized by war, intrigue and treaties which found the Choctaw Nation increasingly pressed and divided against itself by French, Spanish, British and (later) American settlers and traders. Yet, as late as 1771, there were at least 70 towns in the Choctaw Nation, and its territory still extended from the Alabama River to the Mississippi and from central Mississippi to Mobile Bay.

In the wake of French withdrawal from the Mississippi Valley at the conclusion of the Seven Years War with Britain (1756-1763), several minor treaties with Britain (1765) and Spain (1784, 1792) were overshadowed by the Tribe's first treaty with the United States following the Revolutionary War (1775-1779). The Treaty of Hopewell

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[2]Unless otherwise cited, the material presented in Section II of this report was drawn from the following secondary sources:

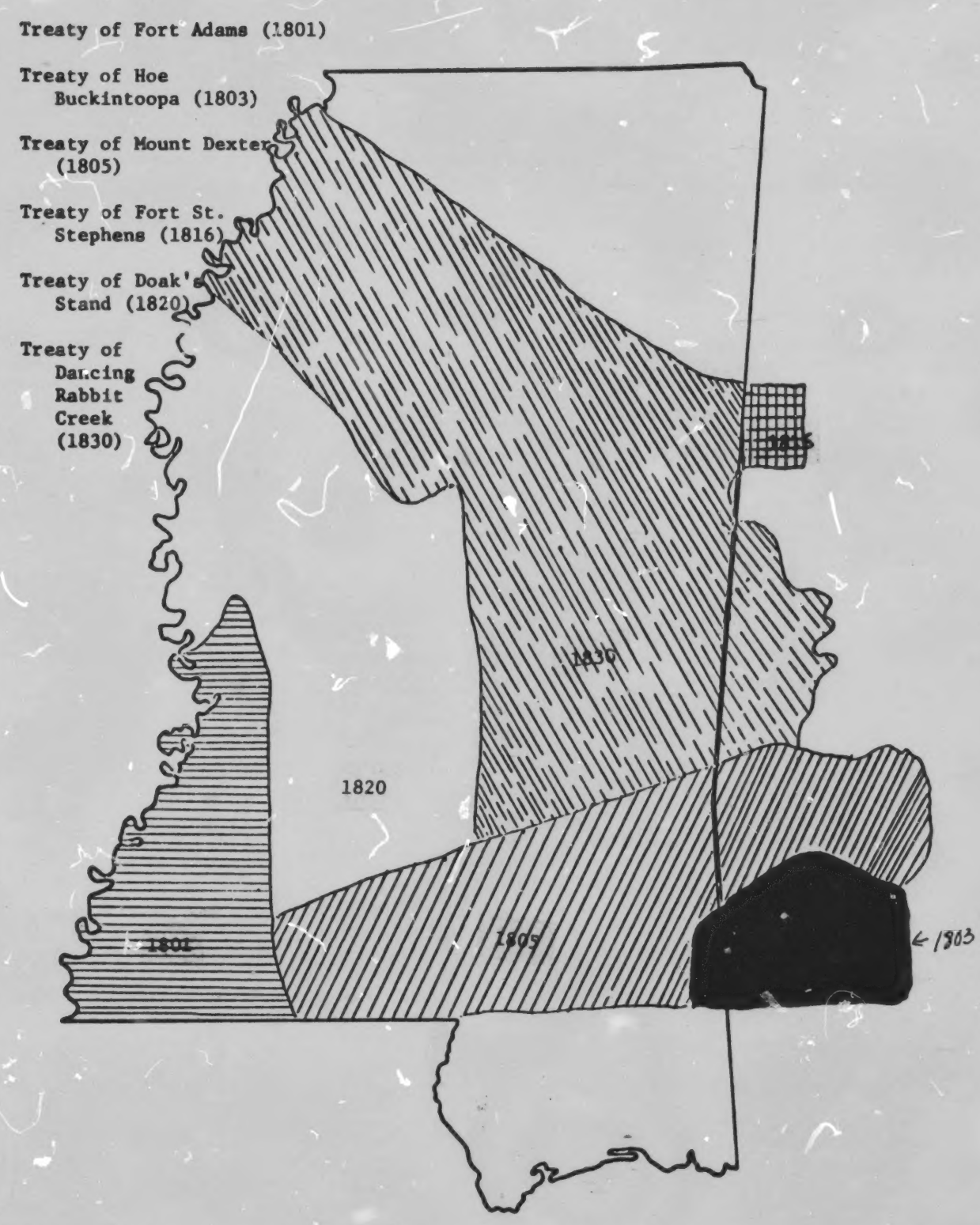
Dean, S. Bobo. The Choctaws in Mississippi. The American Association of Indian Affairs, 1971.

Debo, Angie. The Rise and Fall of the Choctaw Republic. 2nd ed. Norman: University of Oklahoma Press, 1960.

DeRosier, Arthur H., Jr. The Removal of the Choctaw Indians. Knoxville: The University of Tennessee Press, 1970.

Peterson, John H., Jr. "The Mississippi Band of Choctaw Indians: Their Recent History and Current Social Relations." Unpublished dissertation, University of Georgia, 1970.

FIGURE A: CHOCTAW LAND CESSIONS



(1786) formally recognized the Tribe's eastern boundary and established legal precedent for the Choctaws' possession of their ancestral land and their status as an Indian nation.

By 1801, however, a century of the white man's bribery, treachery, alcohol and credit system (which was imcomprehensible to the traditional Choctaw) had begun to undermine the tribe's self-reliance and traditional way of life, and had left the Choctaw people deeply in debt to English traders ($48,000 to the English traders--Panton, Leslie and Company--alone).

Emphasizing these debts to disguise the Federal Government's true motive (pressure from American settlers and land speculaters), the United States forced the Choctaw to accept a series of four treaties between 1801 and 1805 which culminated in the Treaty of Mount Dexter (1805). In this treaty, the Choctaw Nation made its first major land session to the U.S. (see Figure A). The Choctaws gave up 4,142,720 acres, a vast territory, in exchange for $50,000 down and an annual payment of $3,000 (the government paid $48,000 of this award directly to Panton, Leslie and Company). As a condition of the Mount Dexter Treaty, the Choctaws insisted on and received the pledge that the United States would ask for no more Choctaw land.

Soon after this treaty, the Choctaw Nation demonstrated its loyalty to the United States when, in 1811, it refused to join Tecumseh, the great Shawnee leader, in a general Indian uprising against the American Government which was scheduled to coincide with the pending War of 1812. The Choctaws, under the leadership of Pushmataha[3], fought on the side of the U.S. in every major southern campaign of the Creek War and the War of 1812 including the Battle of New Orleans (1814). Pushmataha, who had persuaded the Choctaws not to align themselves with Tecumseh, was to lead the Tribe through the next 13 years, a period in which Federal and State pressure for Choctaw land peaked soon after the granting of statehood to Mississippi in 1817.

As a result of the growing pressure for land and following almost a year of heated "negotiation" (carried out under threats by General Andrew Jackson, the Chief U.S. Negotiator, that the Federal Government would withdraw its protection of the Tribe and ignore state appropriation of Choctaw lands), the Federal Government forced the Choctaws to sign the Treaty of Doak's Stand (1820).

This treaty ceded 5,169,788 million acres of Choctaw territory

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[3]Pushmataha was an outstanding Choctaw leader. He had earlier acknowledged the validity of Tecumseh's claims against the U.S. but had argued persuasively that the participation of the Choctaws in Tecumseh's uprising could only result in the destruction of the Choctaw Nation.

to the United States (see figure A) in return for certain yearly annuities and a grant of disputed territory in Arkansas which was inferior to the Choctaw land in Mississippi. However, the following year (1825) the United States negotiated the Treaty of Washington in which the Tribe ceded back to the U.S a considerable portion of the Arkansas land traded to them at Doaks' Stand (it was already thickly inhabited by white settlers). Even though the Washington Treaty included this additional land cession, it was a signal triumph for Choctaw diplomacy, for it reaffirmed the right of the Choctaw people to live in Mississippi and govern themselves as guaranteed by the Treaty of Hopewell.

However, the guarantees of the Treaty of Washington and the Treaty of Hopewell were soon swept away in a tide of State and Federal pressure to force the Choctaw Nation to give up its remaining Mississippi territory and relocate in Oklahoma. By 1830, President Andrew Jackson's personal preference of Indian removal had been adopted as Federal policy by the U.S. Congress, and the Mississippi Legislature had responded with legislation extending State jurisdiction "over the persons and property of the Indian residents within its limits."[4]

The Choctaw people, reeling under this assault, confused, leaderless and divided, were soon drawn into another lengthy, intrigue-plagued treaty "negotiation." In 1830, at the conclusion of this travesty, the Choctaws signed the Treaty of Dancing Rabbit Creek. The only positive provision in this treaty, from the standpoint of most Mississippi Choctaws, was Article 14, which provided that each Choctaw adult was entitled to an allotment of 640 acres in Mississippi if they registered with the proper government agent within six months of the treaty ratification.[5] For this promise, and several cash annuities and debt settlements, the Tribe ceded the remainder of its territory east of the Mississippi River (10,423,130 acres) and agreed to the scheduled

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[4]This act also repealed all the special "rights, privileges, immunities and franchises of the Indians"; granted Indians state citizenship, dissolved the government of the Choctaw Nation; and fixed penalties (up to a $1,000 fine and 12 months in prison) for anyone presuming to serve as a Tribal official.

[5]William Ward, the Government agent, was an incompetent drunkard who was compelled by higher Federal officials to refuse to register those Choctaws who understood the Dancing Rabbit Creek Treaty sufficiently to attempt to register under Article 14. Through incredible persistence, sixty-nine Choctaws managed to get their names on the official register and receive their land allotments.

removal of its people to Oklahoma by 1833.[6]

Although this treaty brought about the dissolution of the Choctaw Tribal Government in Mississippi, around 6,000 Choctaws remained in Mississippi until 1834, claiming state citizenship under its provisions. Most of them had been coerced into leaving the State by 1854, but nearly 1,000 Choctaws refused to leave their homeland and retreated to the swamplands of east-central Mississippi.

The descendants of these isolated bands of Choctaws (of which only a few had received land allotments) managed to survive and retain much of their traditional way of life for nearly 60 years, with neither assistance nor recognition by the Federal or Mississippi State Governments.

B. The Mississippi Choctaws: Post-Removal (1830-1971)

J.F.H. Claiborne, who served on a Federal commission investigating early Choctaw claims, described the life of the Mississippi Choctaw in 1844:

> They wander here in a country once their own,...gleaning a precarious subsistence, and enduring too often,...the pangs of hunger. For them there is no fixed habitation; and home is a paradise the poor Indians may dream of, but not enjoy.

The Mississippi Choctaws of this period had no contact with the State of Mississippi or the Federal Government. Their existence, the treaty guarantees of Dancing Rabbit Creek and their rights as citizens of Mississippi and the United States were ignored due to official indifference (or embarrassment) and the coming Civil War.

Indeed, from the time of Choctaw removal to Oklahoma in 1830 until 1890, the Mississippi Choctaws were given no assistance by any governmental agency. Except for the service of approximately 180 Choctaw warriors in the Confederacy's Mississippi Choctaw Battalion during the Civil War, the Mississippi Choctaws hardly dented the pages of written history between 1840-1870. Apparently, most Choctaws simply retreated deeper into the marginal swamplands of east-central Mississippi during the prolonged

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[6]All but 1,000 of the 19,554 Choctaws who lived in Mississippi in 1831 were transported to Oklahoma in a series of removal marches in 1831 (6,000 people), in 1832 (7,500 people), in 1833 (900 people), in 1845 (1,182 people), in 1846 (1,768 people), in 1847 (1,623 people), in 1849 (547 people), and in 1854 (600 people). These early removal marches were marked by hunger, sickness, heartbreak and bitterness.

disruption of the Civil War and Reconstruction.

Following Reconstruction, the Mississippi Choctaws gradually emerged from the swamps and slipped into the share-cropping economy as the plantation system (and its attendant social structure) brokedown. This degree of participation in economic affairs was not accompanied by participation in other non-Choctaw activities, but rather by the re-emergence of two institutions which had disappeared among the Mississippi Choctaws during the forty years since removal, churches and schools.

The churches were initially sparked by Oklahoma Choctaw Baptist Missionaries, who were soon joined by Catholic Missionaries. By the 1890's, elementary schools for Choctaw children had been established in most Choctaw communities, funded by the State of Mississippi. From 1830 to 1900, the Federal Government had made no effort to protect the political or property rights of the tribe, nor to provide educational or health care assistance. Ironically, just as the Choctaws had begun to develop their communities, the Federal Government, in 1903, made still another attempt to remove them from Mississippi. Almost half of the Choctaws again refused to leave Mississippi and many who did leave later returned.

Only after nearly 20% of the Tribe died in the influenza epidemic of 1917 and following the refusal of Mississippi Choctaws to be drafted during World War I on grounds that they received no Federal, State or local services and had virtually none of the rights and economic opportunities extended to citizens of the United States, did Congress acknowledge the failure of its final removal efforts and direct the Bureau of Indian Affairs to recognize the Mississippi Choctaws as a tribal group and to begin to provide them with a minimum of educational and health services. This congressional action signaled a reversal of the Federal policy of removal which had dominated U.S. Indian policy from the 1790's to 1917.

The Choctaw Agency was established in 1918 and lands were purchased and consolidated in trust for the Tribe near the existing Choctaw communities (initially the BIA had planned for the Choctaws to purchase this land individually by loan, but the Tribe felt this land was already theirs under the Treaty of Dancing Rabbit Creek, and refused to cooperate). Federal elementary schools and a hospital were also established (1921-1930). However, these seemingly major changes had little direct impact upon the bulk of the Choctaw population (the Choctaw Agency was ill-funded and only 16,000 acres of land were purchased) and the Choctaws remained completely unprepared to compete for employment in the non-Choctaw communities.

As a result, most Choctaws remained impoverished, subsistence farmers in isolated rural Choctaw communities until the 1950's when increasing numbers were forced to abandon their traditional

agricultural livelihood as a result of the transition to large scale agri-business.

As late as 1940, there was no functioning Choctaw Tribal Government recognized by the United States, and the Choctaws had virtually no control or voice over the programs and services of the Choctaw Agency;[7] but, in 1945, the "Mississippi Band of Choctaw Indians" was formally recognized as an Indian Tribe under the provisions of the Wheeler-Howard Act of 1934 and the Tribe adopted a Constitution providing for the periodic election of a Choctaw Tribal Council based on proportional representation from the seven recognized Choctaw communities.

The Chairman of this Tribal Council was the first official spokesman for the Mississippi Choctaws since the abrogation of the Choctaw Government by the State of Mississippi in 1829. In 1968, the Mississippi Code was adjusted to reflect the State's recognition of the Choctaws as a Federally-recognized Indian Tribe by exempting "sales to the Mississippi Band of Choctaw Indians," from the State's general sales tax levy. The State retained its civil, criminal, and judicial jurisdiction over the Tribe, even excercising such authority over the Choctaw Reservation.

The Choctaw Tribal Council of this period was ill-equipped to challenge the State's claim to jurisdiction over the reservation (and the BIA was not inclined to do so) for the Council had no power, controlled no resources and, in practice, exercised little influence over the Choctaw communities or Choctaw Agency programs. This pattern persisted well into the 1960's. Since the establishment of the Choctaw Agency, services provided by the Bureau of Indian Affairs have never been sufficient to deal with the serious problems of the Choctaw people. While inadequate funding is partially responsible for this, in reality the problem runs deeper. The Bureau has a large, inflexible, bureaucratic, administrative structure which has handicapped its operation, favoring paternalism over Indian initiative. Additionally, the Choctaw Agency has traditionally employed a large number of local Mississippians, many of whom were not committed to improving the condition of the Choctaw people. For these reasons, the Federal resources under their control have often not been utilized in the best interests of the Tribe.

Recognizing this, the Choctaw people began to organize

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[7]The traditional Choctaw Government system ceased to exist in Mississippi following the removal of the original Choctaw Nation to Oklahoma following the Treaty of Dancing Rabbit Creek (1830). Those few Choctaws who remained in Mississippi were so dispersed that the Tribe's former system of government was no longer workable; however, those leaders who remained and their descents continued to exercise informal influence over many Mississippi Choctaws well into the 1900's.

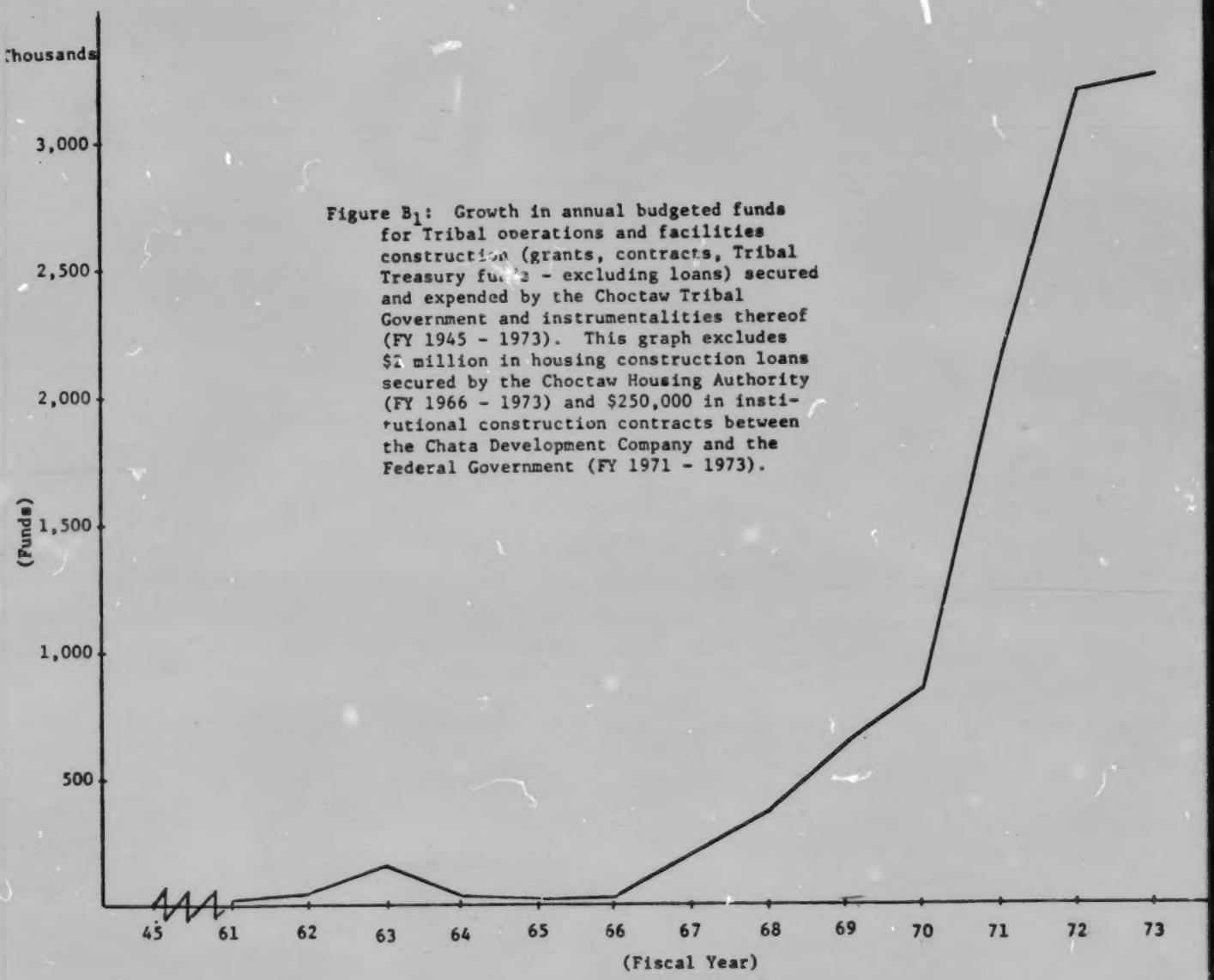

Figure B_1: Growth in annual budgeted funds for Tribal operations and facilities construction (grants, contracts, Tribal Treasury funds - excluding loans) secured and expended by the Choctaw Tribal Government and instrumentalities thereof (FY 1945 - 1973). This graph excludes $2 million in housing construction loans secured by the Choctaw Housing Authority (FY 1966 - 1973) and $250,000 in institutional construction contracts between the Chata Development Company and the Federal Government (FY 1971 - 1973).

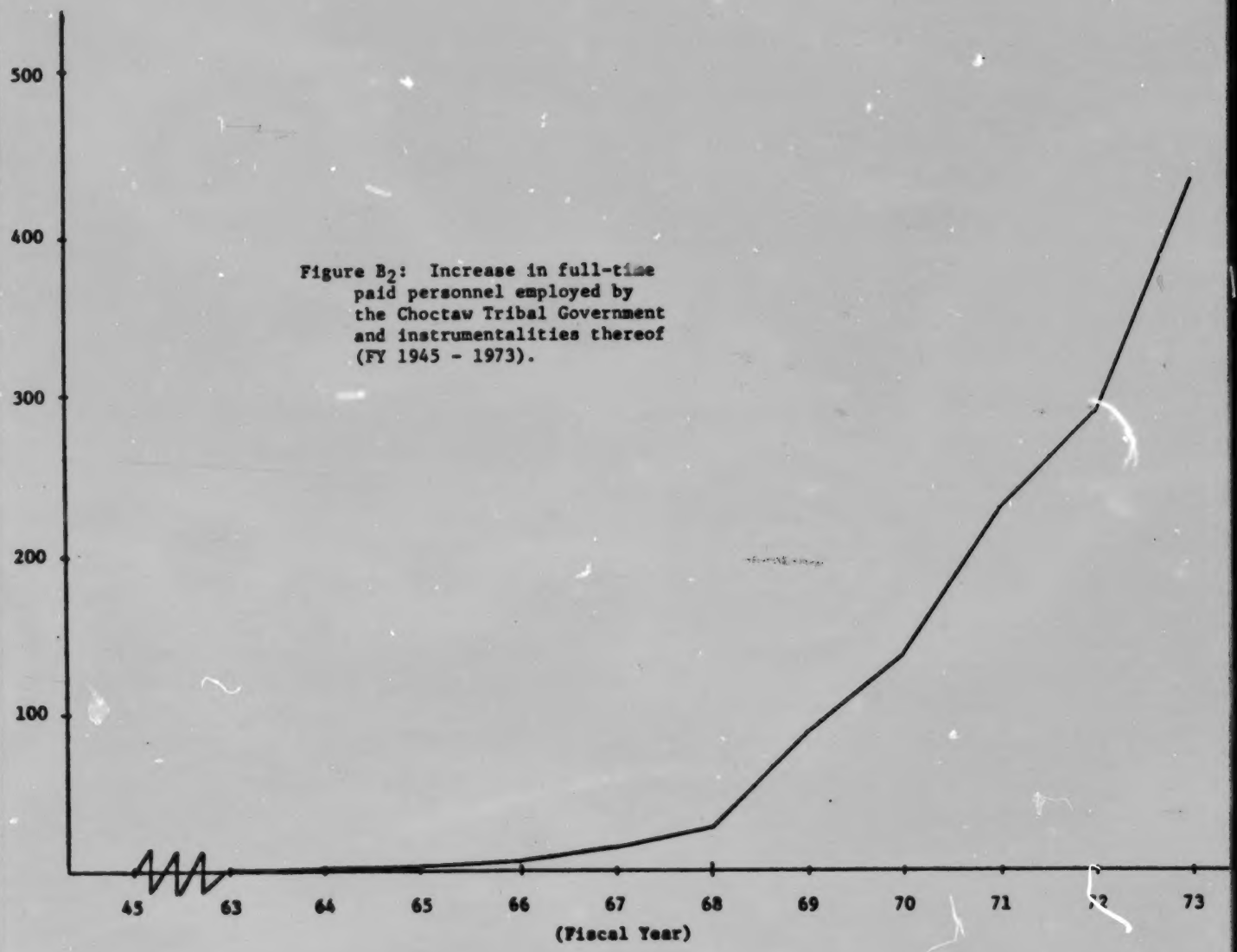

Figure B_2: Increase in full-time paid personnel employed by the Choctaw Tribal Government and instrumentalities thereof (FY 1945 - 1973).

themselves in the early 1960's in an attempt to solve their own problems. In 1963, after the Tribal Council established its first permanent Business Office, the Choctaws began to manage a small fraction of their own affairs and to gain experience in planning their own programs.

Following years of Tribal pressure, Choctaw Central High School (BIA administered) was constructed in 1964. Prior to this date, Choctaws were not admitted to local white schools and could complete high school only by attending school in other areas.

The greatest impact of the Federal Government on the Mississippi Band of Choctaw Indians during the 1960's, however, came not from the BIA, but through the Civil Rights Act of 1964, the establishment of the U.S. Office of Economic Opportunity and related legislation establishing the Federal anti-poverty programs. With the creation of the OEO funded Choctaw Community Action Agency in 1966 by the Tribal Council, the Choctaw people began to exercise administrative control over their own programs to a substantial degree. The expansion of Tribally initiated and controlled programs during this period is reflected in the accompanying expansion of the annual Tribal budget and the number of permanent Tribal employees (see Figures B_1 and B_2).

It was during these years that the Tribe won its second major jurisdictional battle with the State of Mississippi. In 1968, with the assistance of an Office of Economic Opportunity funded Choctaw Legal Services Project, the Choctaw Reservation was recognized as "Indian Country" (as defined in Federal statutes which prohibit the extension of State jurisdiction over such territory) by the Circuit Court of Neshoba County in connection with a case stemming from the arrest of a Choctaw Indian for a felony crime committed on the Choctaw Reservation (Roby Gibson vs. E. G. Barnett, Sheriff of Neshoba County).

From this date forward, criminal jurisdiction over events which transpired on the Choctaw Reservation was recognized as resting solely in the hands of the Federal or Tribal Government. (Since this decision was reached in connection with a criminal case and under criminal statutes, state courts retained civil jurisdiction over matters occurring on the Reservation.) Following this decision, the BIA moved to establish a Tribal Police and Court System. This Court of Indian Offenses is authorized to handle only misdemeanor cases, with felony cases being tried in Federal District Court.

Within the decade of the 1960's, the Tribe's tentative first steps toward self-government were met by increasing BIA resistance and hostility, particularly at the Choctaw Agency level. Nevertheless, the Mississippi Band of Choctaw Indians was firmly committed to regaining control of their communities when, on July 8,

1970, the President of the United States established as Federal policy the direct funding of Indian Tribes to deal with their own problems:

> It is long past time that the Indian policies of the Federal Government began to recognize and build upon the capacities and insights of the Indian people. Both as a matter of justice and as a matter of enlightened social policy, we must begin to act on the basis of what the Indians themselves have long been telling us. The time has come to break decisively with the past and to create the conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions.

Unfortunately, there remained a major gap between the goal of Self-Determination and the means through which this goal could be reached. The expanded Choctaw Community Action Agency programs had provided the Choctaw people the beginning of experience in program management and direction; however, these did not provide the basis necessary to realize the long-range goal of Indian Self-Determination. This is no criticism of these programs, which were very successful in responding to individual problems and achieving noticeable improvement of specific poverty conditions in the short-run. By their very nature, however, these programs tended to be narrow in focus and short-range in both funding and objectives. Functioning as independent program units, it was impossible to administer programs in coordination with other programs whose resources were directed toward overlapping problems, or even to create a central administration for such coordination between individual Community Action programs, other Tribal programs, Bureau of Indian Affairs programs and programs operated by other agencies. There was no structure through which to build upon or utilize the experience in self-determination developed through operation of individual programs by the Choctaws. Furthermore, the impact of individual programs was not as great as could have been achieved if each program was operated as part of a set of complementary programs, rather than operated separately because their objectives were not directly supportive in the short-run. (These concepts are discussed at some length in Section V of this report.)

The Tribal Council, as the governing body on the reservation directly responsible to the Choctaw people, was not in a position to achieve such coordination. Meeting only monthly, its membership did not have the time or expertise to become directly involved in program operation, either of programs directly funded to the Tribe or in coordination of CAP and other agency programs. Such technical assistance as was available was not directed toward the

Tribal Council, but rather was channeled directly to operational programs. This assistance, then, like the programs themselves tended to be problem specific and aimed at short-run solutions for individual problems. There was a vicious circle preventing any major progress toward Self-Determination and long-range development. The structures necessary to achieve necessary coordination of existing programs, and to develop new programs did not exist. And without these structures, there was no way through which to absorb the technical expertise necessary to begin a long-range program of Self-Determination.

Recognizing the impasse between the forms of technical assistance available and the greater need to create a centralized structure and process for policy coordination and evaluation, the Choctaw Tribal Council saw the need for the creation of a small cadre of personnel directly responsible to the Tribal Council and capable of providing a wide range of strategic planning, management assistance, development programming and technical assistance.

Working through the Tribal Council and with all agencies and programs operating on the Choctaw reservations, this group would have as its primary aim the creation of the necessary conditions for achieving Choctaw Self-Determination and long-range development. As such, the group was designed to be self-retiring as soon as the structures and processes necessary for on-going Choctaw self-development were created.

In line with this locally recognized need and in response to the reaffirmation of Tribal Self-Determination as Federal Policy, on April 21, 1971, the Choctaw Tribal Council submitted a request to the U.S. Office of Economic Opportunity for funds to support the establishment of a Strategic Planning Center for Choctaw Self-Determination (see Resolution CHO 59-71).[8] This proposal was funded by OEO on June 30, 1971.

III. THE CHOCTAW SELF-DETERMINATION PROJECT

A. Basic Premises for Tribal Development Through Self-Determination

With funds from the U.S. Office of Economic Opportunity, the Strategic Planning Center for Choctaw Self-Determination (hereinafter cited as the Center CSD) was established on July 1, 1971. The philosophy of Tribal Self-Determination, which underlies this project and which guides the Choctaw Tribal Government, is as follows:

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[8]All documents cited in this report are available from the Choctaw Tribal Office upon request.

> Reservation area development is most likely to be positive and lasting from the standpoint of the Indian people when it results from action by Indians for Indians, supported by technical and financial assistance which is answerable directly to the Indian Tribal Government which initiates such action.

Reservation development is thus inexorably bound to realization of Tribal Self-Determination. The failure of all past efforts at reservation development or amelioration of Indian poverty has been in the failure to recognize the necessary relationship between reservation development and Indian self-government. The philosophy of Choctaw Self-Determination is based on this relationship and is derived from the following set of basic premises:

1. The long-run[9] goals of all Tribal development efforts are

   a. To achieve a reversal of the physical and psychological conditions of rural poverty which generally characterize Indian populations.

   b. To substitute Tribal control for Federal management of Indian Reservations

2. Efforts to achieve these goals are interrelated and mutually reinforcing.

   a. Substantial improvement of the physical conditions of poverty will contribute to a comparable improvement in the psychological conditions of poverty and vice versa.

   b. Substantial expansion of Tribal control on a given reservation will contribute to more efficient elimination of the physical conditions of poverty and directly improve the psychological conditions of poverty and vice versa.

3. Although individual short-run programs contribute little to an increase in Tribal control of all resources on an Indian reservation, where such programs are administered as part of a total effort in Tribal Self-Determination, they can

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[9]For purposes of this report, we have defined "the short run" as one to five years and "the long run" as ten to twenty years. In deference to standard economic theory, we acknowledge that the term "the long run" is normally used to designate a time span of substantially greater magnitude.

a. Lend increased stability to the Tribal Government which secures them and provide practical experience in Indian control of programming.

b. Benefit the Indian people because of their positive impact upon the human problems toward which they are directed.

c. Substantially contribute thereby, to the long-run development of the reservation upon which they operate.

4. Fundamental and lasting change on an Indian Reservation must derive from action by the Indian people in the context of their daily lives.

   a. Such change is exceedingly difficult to produce and can only occur over the long-run.

   b. Short-run programming cannot accomplish such long-range change unless it is conducted as part of a total effort in Tribal Self-Determination.

   c. Long-range programming operated by established bureaucracies, such as BIA, is unresponsive to action by the Indian people and hence is not only incapable of producing fundamental and lasting change, but actually inhibits the degree of change affected by short-run programming responsive to the Indian people.

5. Long-run fundamental change can be initiated by Tribal leaders at levels somewhat removed from direct contact with the life modes of the Indian people by

   a. Drastically altering key Tribal and reservation area parameters (institutional structures, power relationships, roles, procedures, and decision-making processes) to favor a shift in the balance of power toward the Indian people.

   b. Generating a sustained and coordinated Tribal development effort directed toward the remediation of poverty and the acquisition of Tribal control over Tribal resources[10] on the reservation.

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[10]The term "Tribal resources" in this context refers to all indigenous Tribal resources: [human, physical and financial]; as well as Federal and State contract and grant monies and technical assistance which are now administered by the Tribal Government; all Bureau of Indian Affairs and Indian Health Service funds allocated for a given reservation should be viewed as potential Tribal resources.

c. Attracting stable industrial plant and capital inputs to the reservation on Tribal terms.

d. Establishing Tribal revenue and employment generating enterprises to support the Tribal Government operation and development effort.

e. Establishing Tribal corporate instrumentalities (Housing Authority, Development Company, Utility Commission, Cooperative Grocery, etc.) through which the Tribe can increase the developmental impact of dollars channeled to the reservation.

6. The alteration of such key Tribal and reservation area parameters and the coordination of a sustained developmental effort on an Indian Reservation can only be achieved by a strong democratically elected Tribal Government

   a. Which can effectively mobilize and retain the active support of its people.

   b. Which can coordinate the application of all Federal program resources secured by the Tribe in a manner calculated to ensure their maximum impact upon the problems toward which they are directed (short-run goal) and to ensure their maximum contribution to the overall development of the reservation (long-run goal).

   c. Which can systematically assume responsibility for the administration of all Federal Agency resources which now operate on the reservation under the direct local control of the Federal Government.

Figure C presents these premises as a reservation development model, while Figure D demonstrates the application of this model to the Choctaw situation.

B. Development Priorities: FY 1972

In accordance with the Tribal philosophy and developmental premises described above, the original self-determination project proposal posited a five (5) year project work program of which two (2) years were initially funded by the U.S. Office of Economic Opportunity. The Choctaw Tribal Government outlined a five (5) year program because of its realization that the groundwork for really fundamental and lasting change on the Choctaw Reservation cannot be laid in less than four or five years.

This report attempts to assess the impact of the Choctaw self-determination project on the Choctaw Tribe during Fiscal Year 1972.

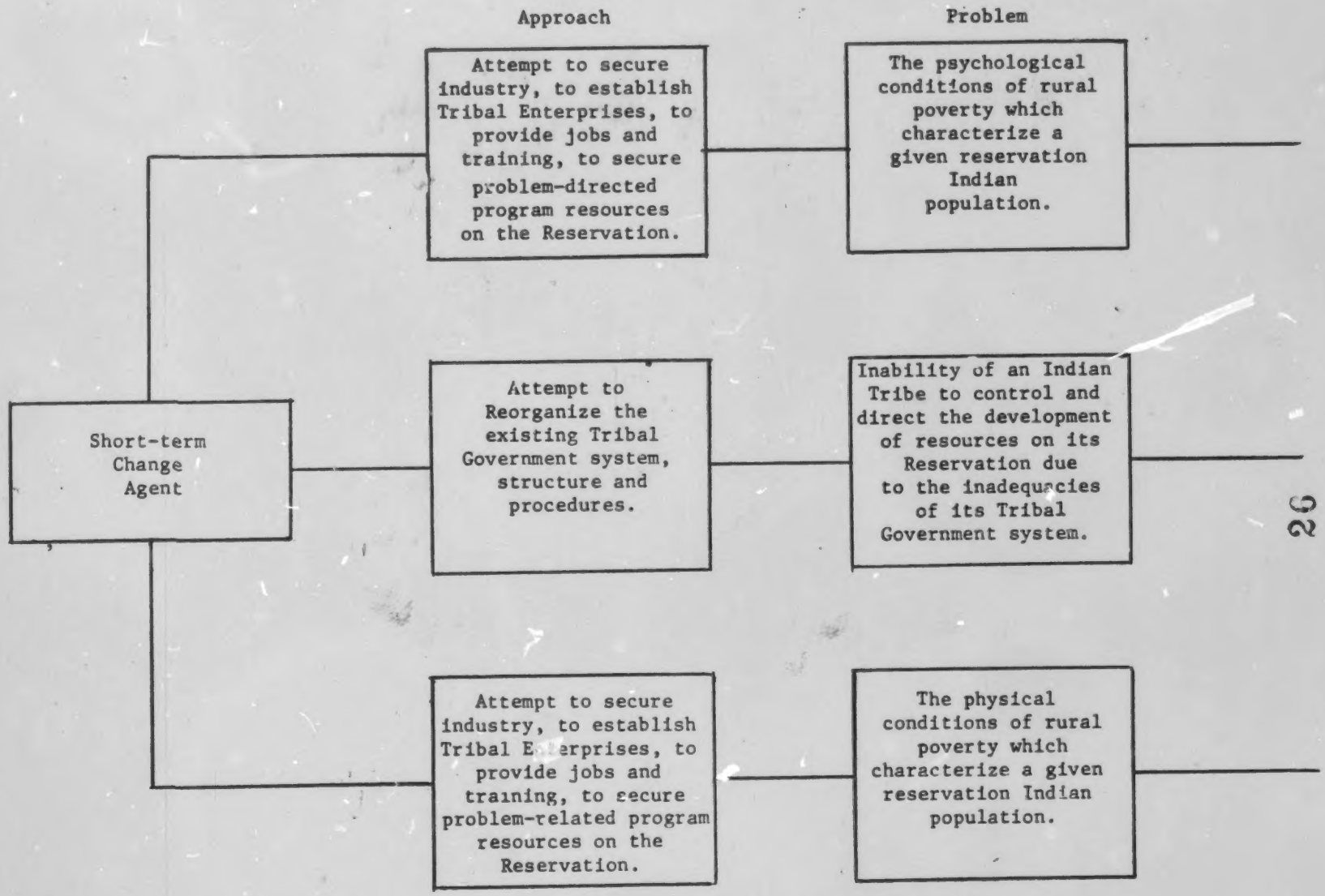
EXPLANATORY KEY TO FIGURES C-D

Indicates that a mutually reinforcing relationship exists between the components connected by this line.

Indicates normal process flow (flow proceeds from left to right).

Indicates that a long-run developmental gap has been bridged by the components connected by this line.

Figure C: General Form of Tribal Developmental Model


Approach
Problem
Attempt to secure industry, to establish Tribal Enterprises, to provide jobs and training, to secure problem-directed program resources on the Reservation.
The psychological conditions of rural poverty which characterize a given reservation Indian population.
Short-term Change Agent
Attempt to Reorganize the existing Tribal Government system, structure and procedures.
Inability of an Indian Tribe to control and direct the development of resources on its Reservation due to the inadequacies of its Tribal Government system.
Attempt to secure industry, to establish Tribal Enterprises, to provide jobs and training, to secure problem-related program resources on the Reservation.
The physical conditions of rural poverty which characterize a given reservation Indian population.

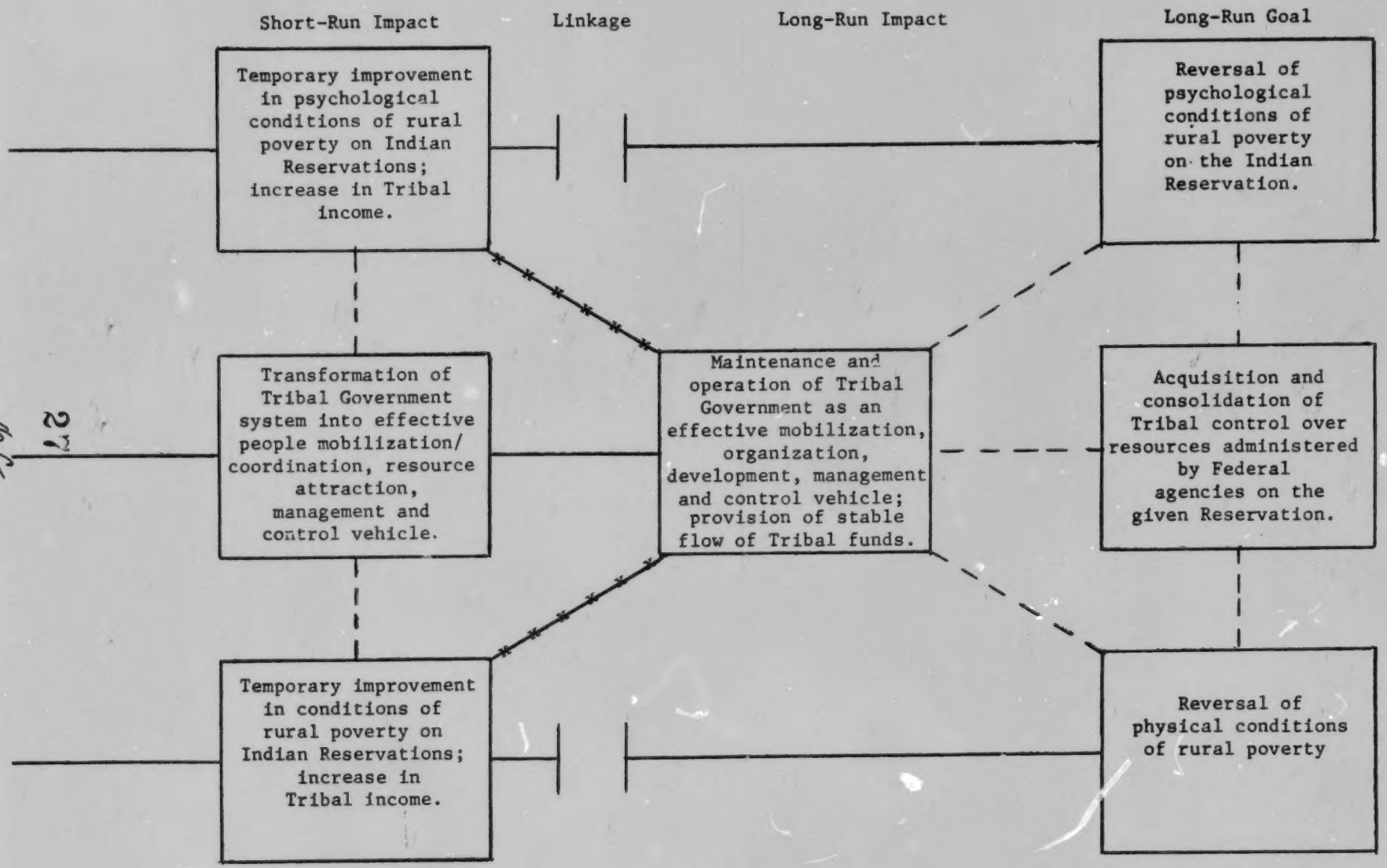
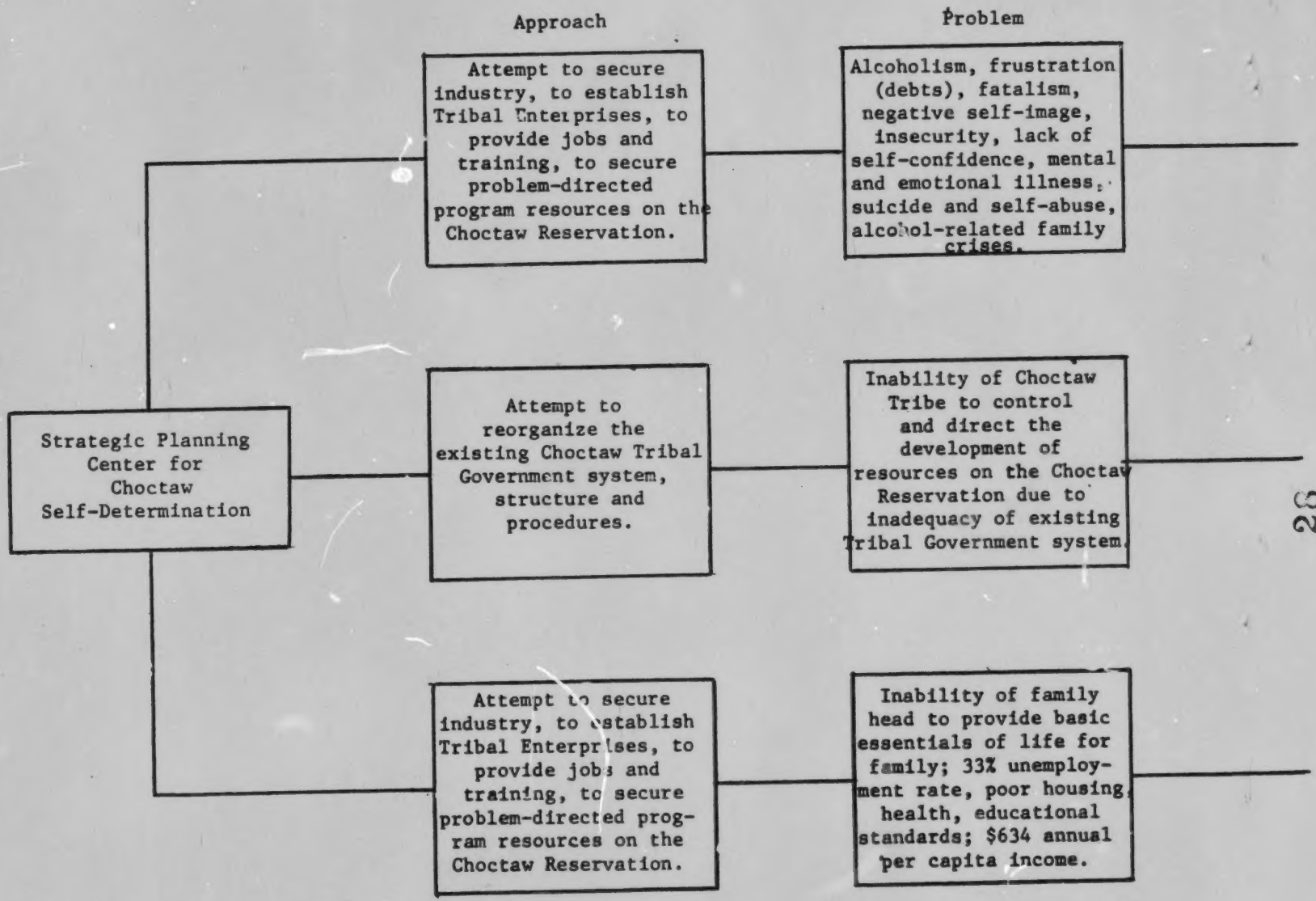

Short-Run Impact
Linkage
Long-Run Impact
Long-Run Goal
Temporary improvement in psychological conditions of rural poverty on Indian Reservations; increase in Tribal income.
Reversal of psychological conditions of rural poverty on the Indian Reservation.
Transformation of Tribal Government system into effective people mobilization/ coordination, resource attraction, management and control vehicle.
Maintenance and operation of Tribal Government as an effective mobilization, organization, development, management and control vehicle; provision of stable flow of Tribal funds.
Acquisition and consolidation of Tribal control over resources administered by Federal agencies on the given Reservation.
Temporary improvement in conditions of rural poverty on Indian Reservations; increase in Tribal income.
Reversal of physical conditions of rural poverty

Figure D: Developmental Model Applied to Choctaw Reservation


Approach
Problem
Strategic Planning Center for Choctaw Self-Determination
Attempt to secure industry, to establish Tribal Enterprises, to provide jobs and training, to secure problem-directed program resources on the Choctaw Reservation.
Alcoholism, frustration (debts), fatalism, negative self-image, insecurity, lack of self-confidence, mental and emotional illness, suicide and self-abuse, alcohol-related family crises.
Attempt to reorganize the existing Choctaw Tribal Government system, structure and procedures.
Inability of Choctaw Tribe to control and direct the development of resources on the Choctaw Reservation due to inadequacy of existing Tribal Government system.
Attempt to secure industry, to establish Tribal Enterprises, to provide jobs and training, to secure problem-directed program resources on the Choctaw Reservation.
Inability of family head to provide basic essentials of life for family; 33% unemployment rate, poor housing, health, educational standards; $634 annual per capita income.

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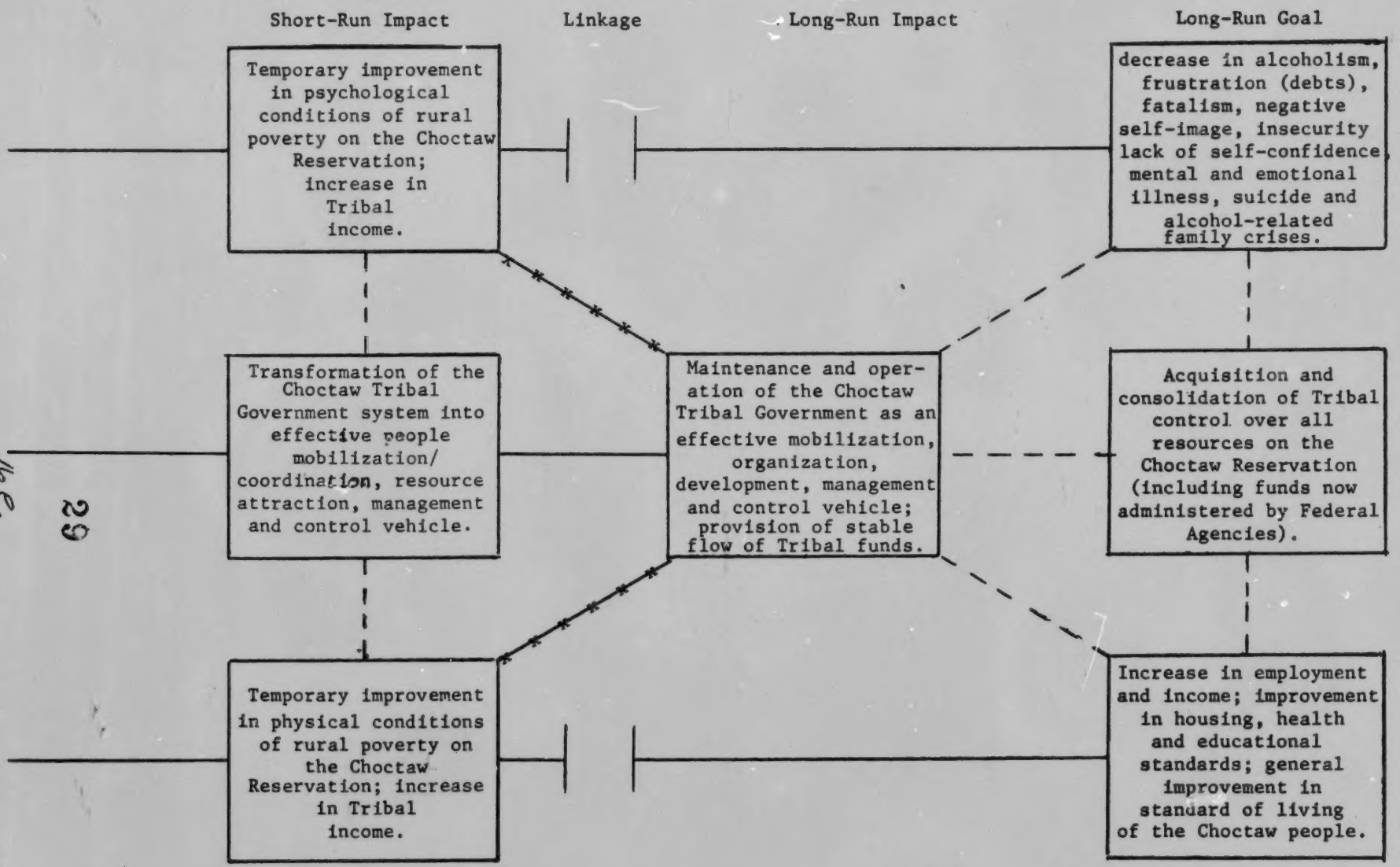
Short-Run Impact
Linkage
Long-Run Impact
Long-Run Goal
Temporary improvement in psychological conditions of rural poverty on the Choctaw Reservation; increase in Tribal income.
decrease in alcoholism, frustration (debts), fatalism, negative self-image, insecurity lack of self-confidence, mental and emotional illness, suicide and alcohol-related family crises.
Transformation of the Choctaw Tribal Government system into effective people mobilization/ coordination, resource attraction, management and control vehicle.
Maintenance and operation of the Choctaw Tribal Government as an effective mobilization, organization, development, management and control vehicle; provision of stable flow of Tribal funds.
Acquisition and consolidation of Tribal control over all resources on the Choctaw Reservation (including funds now administered by Federal Agencies).
Temporary improvement in physical conditions of rural poverty on the Choctaw Reservation; increase in Tribal income.
Increase in employment and income; improvement in housing, health and educational standards; general improvement in standard of living of the Choctaw people.

We readily acknowledge that there have been no fundamental and lasting changes induced among the Choctaw people during this year, nor did we expect such change to occur.

However, some 3 million dollars (over and above the original operating budget for FY 1972) in especially tailored service, research, training and technical assistance programs have been secured to serve the Choctaw people for Post FY 1971 program utilization; and, substantial institutional and structural changes have been produced with respect to the Choctaw Tribal Government and its relationship to the Choctaw Agency, Bureau of Indian Affairs, which we believe will enable the Choctaw Tribe to achieve the long-run developmental goals specified on Figure D.

More specifically, the Center CSD Planning Staff has sought to provide technical support to the Choctaw Tribal Government during Fiscal Year 1972, emphasizing the development of plans and projects designed

1. To increase the efficiency and effectiveness of all Tribal programs and to reorganize the Choctaw Tribal Government system.

2. To meet the manpower development, economic development, community development, educational and health needs of the Choctaw Tribe.

3. To approximate as nearly as possible the optimal utilization of Tribal resources.

4. To enable the Tribal Council to position itself to administer and operate on a contractual basis, all Federal programs that are now conducted by other agencies for the benefit of the Tribe.

These broad work program priorities are consistent with the approved Self-Determination Project Work Program and were adopted by the Choctaw Tribal Council in Resolution CHO 18-72: A Resolution to Establish Goals and Objectives of the Tribal Council: 1971-1973. It established sixteen developmental objectives (both long-run and short-run in nature).

Two of the most important articles in this resolution are quoted below:

Article XIV: "This Tribal Council shall seek to establish a more functional, efficient Tribal administrative-governmental structure by implementing improved management techniques so that Tribal services can be rendered more effectively to the Choctaw people."

Article XVI: "This Tribal Council shall seek to position itself to administer and operate on a contractual basis, all Federal programs that are now conducted by other agencies for the benefit of the Tribe. Such a policy will enable the Choctaw Tribe to gain effective control of key socio-political institutions which affect the Choctaw people."

During Fiscal Year 1972, the Choctaw Tribal Government has placed primary emphasis on Article XIV and secondary emphasis upon Articles I-XIII and XV as a group. The Tribe's commitment to carry out Article XVI moves a step closer to reality with the accomplishment of each Tribal objective expressed in the preceding articles.

Articles I-XIII and Article XV of Resolution 18-72 address themselves to the Council's desire "to meet the manpower development, economic development, community development, educational and health needs of the Choctaw Tribe." However, in accordance with the original self-determination project work program, there has been no wholesale commitment of staff time to secure industry or establish Tribal enterprises during year 1 of this project.

In sum, the bulk of project resources and Center CSD Planning staff time during year 1 of the Choctaw Self-Determination Project were directed toward the development and implementation of a more effective Choctaw Tribal Government system and the acquisition of Federal program resources to deal with the more critical human problems of the Choctaw people.

IV. THE TRIBAL REORGANIZATION PLAN

A. Background

The Choctaw Tribal Council is the legally recognized governing body on the Choctaw Reservation. The functions it is theoretically eligible to perform encompass responsibility comparable to that of a state legislature: including the authority to make and enforce laws, to establish courts, to provide for the management of Tribal enterprises and the administration of Tribal resources, to confer corporate status upon organizations, to tax and regulate commerce within the borders of the Reservation, and to provide for the health, education and welfare of the Choctaw people.

However, this theoretical role has become realistically attainable for the Mississippi Choctaw Tribal Council only within the last two years, following the Federal Government's latest (and most concrete) commitment to the philosophy of Indian self-government.

This positive shift in Federal policy was presaged by the

Choctaw peoples' growing awareness that they, instead of the Choctaw Agency, Bureau of Indian Affairs, should be planning and coordinating the development of the Choctaw Reservation. This realization signaled a major departure from the status quo power relationship which has existed on the Choctaw Reservation since 1918.

Fortunately, the FY 1972-1973 Tribal Government was foresighted enough to recognize that translating the concepts of Choctaw self-government and Choctaw self-determination into reality would require a sustained Tribal effort, which could insure the support of the Choctaw people and which could successfully overcome the resistance of the Choctaw Agency, BIA, since certain key officials in this agency were committed to retaining their power over the Choctaw people and the Choctaw Reservation.

The Tribal Government also acknowledged that the Choctaw Agency's paternalistic approach to "assisting" the Choctaw people "manage" Tribal affairs had (over the past 54 years) produced such an ingrained reliance upon the Agency that the existing Tribal government structure and procedures were simply not adequate to enable the Tribe to independently assume the responsibilities of self-government.

In sum, Choctaw leaders recognized that the existing Tribal government structure (which was virtually without system or organization) would have to be transformed into a stable and effective resource mobilization, coordination and control mechanism which could eventually absorb the Choctaw Agency, Bureau of Indian Affairs.

They recognized that such a transformation would require

1. The development, adoption and implementation of standardized management and organizational procedures to govern all Tribal operations and employees.

2. A substantial rearrangement of roles, powers, responsibilities, functions and processes within the existing government structure.

Consequently, on August 16, 1971, the Tribal Council authorized the Tribal Chairman to engage Peat, Marwick, Mitchell and Company, a nationally known consulting firm, to conduct a comprehensive analysis of the entire Tribal Government structure. This study was funded through the OEO Self-Determination Grant, and was completed on October 12, 1971.

The PMM analysis, and its recommendations for improvement of the existing Tribal Government structure, were studied at

length by the Choctaw Tribal Government, and the recommendations embodied in the PMM study were formally adopted as the Tribal Government reorganization plan by the Tribal Council on January 12, 1972, (Resolution CHO 61-72).

The adoption of this plan by the Council marked its commitment to implement the fundamental structural, procedural and role changes recommended by the PMM study. However, this plan provided only a skeletal outline of the new Choctaw Tribal Government, leaving the details for further study and action by the Council.

Under the direction of the Tribal Chairman, the Center CSD Planning Staff (with the assistance of outside consultants) began filling in these details step by step with each new component subject to additional review and approval by the Tribal Council.

In this manner, the Choctaw Tribal Government structure which existed as of July 1, 1971, (see Figures E_1 and E_2) has undergone substantial transformation. This restructuring process is still underway, and implementation of the new governmental structure outlined on Figures F_1 - F_7 is not scheduled for completion until the end of Fiscal Year 1973.[11]

B. Effect

The Tribal Government reorganization plan is designed to remedy major systems deficiencies of the FY 1971 government system. An abstract of the Government system proposed by the Council to remedy these deficiencies is presented below:[12]

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[11]The initial emphasis of the Tribal Chairman vis a' vis reorganization of the Tribal Government system has been to provide for a more effective mechanism for the management of governmental and business functions now being performed (or scheduled for performance) by the Tribe during FY 1972 - 1973. Therefore, the structure outlined on figures F_1 - F_7 is not static but represents the core structure onto which additional components can be grafted as the Tribe expands its governmental responsibilities, e.g. a Department of Public Order can be added when the Council is ready to contract with the BIA for the provision of police services on the Choctaw Reservation and the operation of the Adult Corrections Center (which the BIA will lease from the Tribe following its construction during FY 1973). Similarly, upon completion of a Reservation legal code to supplement the Code of Federal Regulations, the Tribe will establish a Tribal Court System to replace the existing Federal Court of Indian Offenses operated by the BIA. This effort is now in process.

[12]For details on the Tribal Government structure of FY 1971 in contrast to the new Tribal Government structure, the reader is referred to (a) the Peat, Marwick, & Mitchell Study, (b) the existing and proposed Tribal constitution and bylaws, (c) the new Tribal personnel policies, (d) the existing and proposed Tribal election procedures, and (e) the proposed Financial Policies and Procedures.

EXPLANATORY KEY

For Figures E_1 - E_2, F_1 - F_7

≈ Indicates that the Personnel and funding of the short-term programs which are listed below this sign may be consolidated into a single program administrative unit where feasible.

——— Administrative or legislative control relationship.

- - - - - Advisory relationship.

-x-x-x-x-x-x- Contractual relationship.

Permanent administrative component or program.

Short-term program component (will terminate when program funds terminate).

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30 a

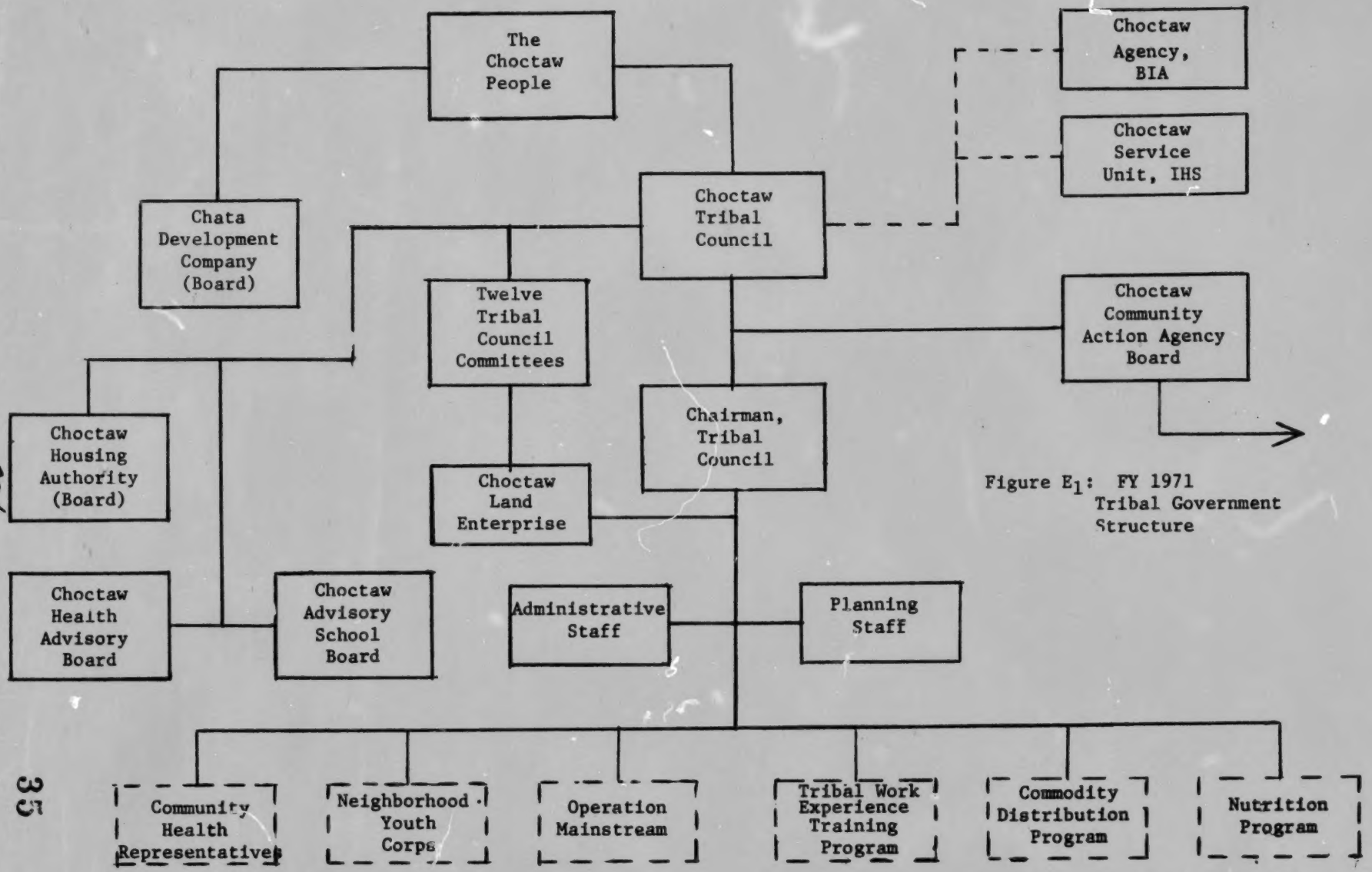

Figure E_1: FY 1971 Tribal Government Structure

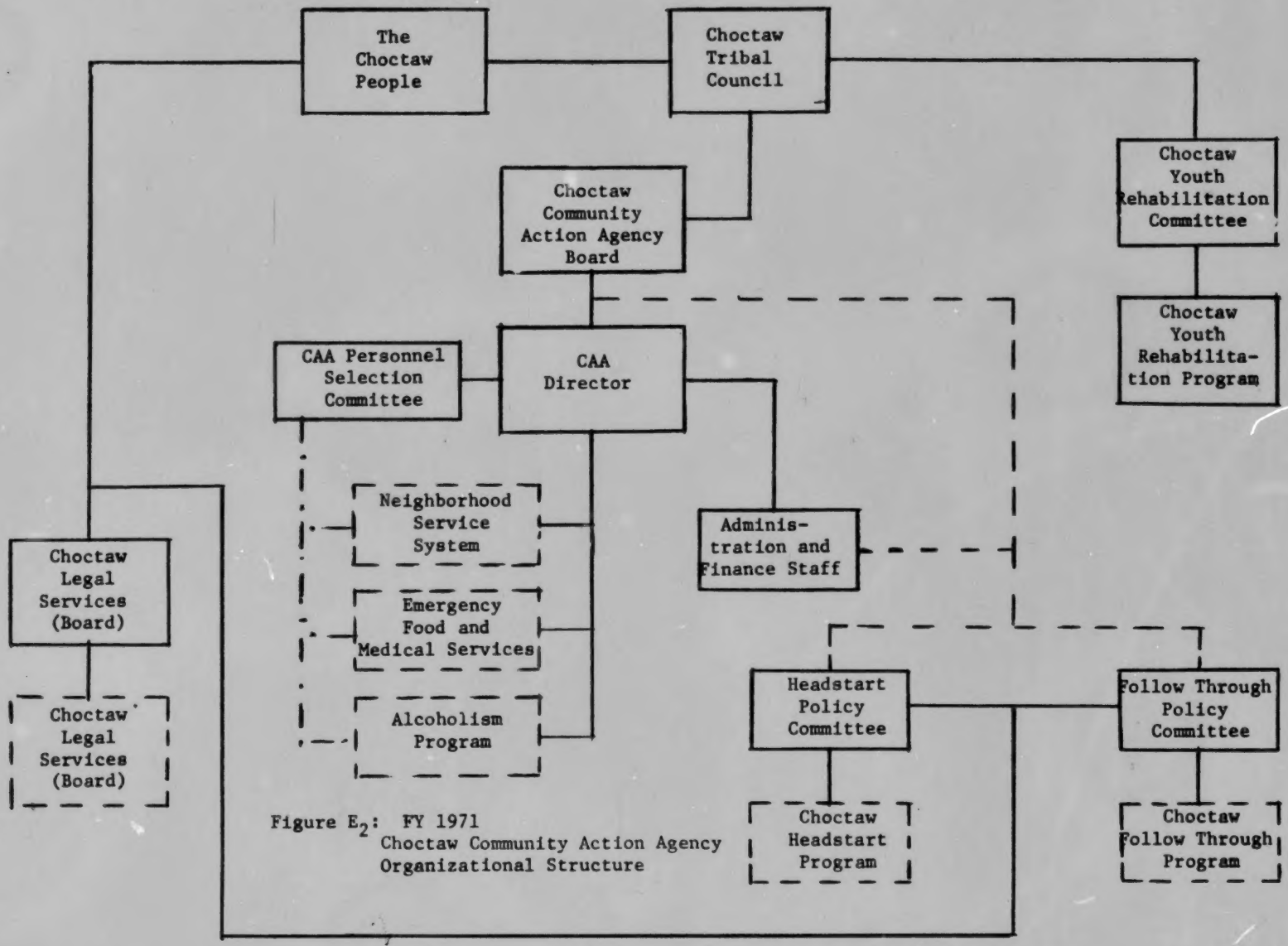

Figure E_2: FY 1971
Choctaw Community Action Agency
Organizational Structure

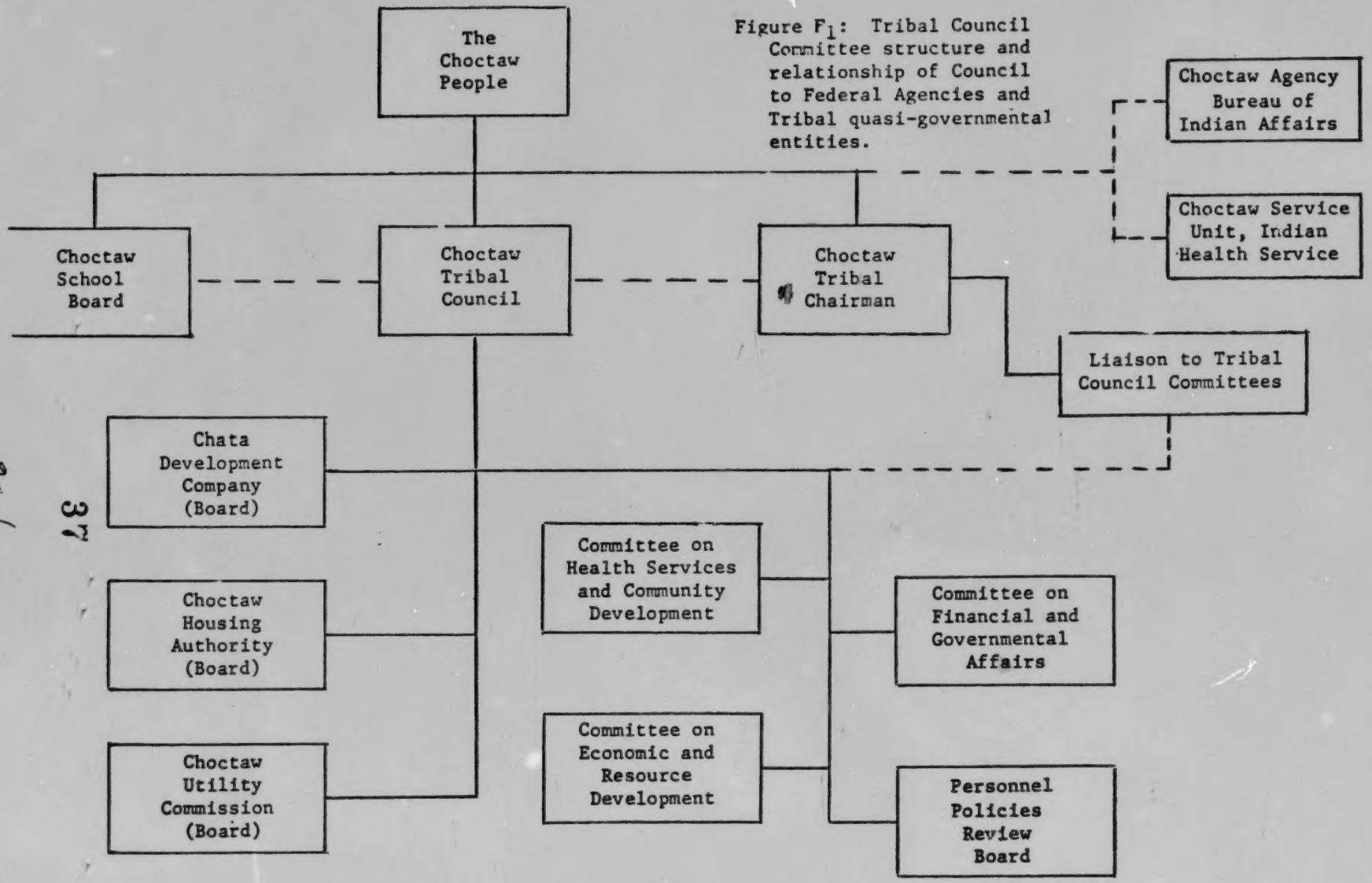
The Choctaw People
Choctaw Agency Bureau of Indian Affairs
Choctaw Service Unit, Indian Health Service
Choctaw School Board
Choctaw Tribal Council
Choctaw Tribal Chairman
Liaison to Tribal Council Committees
Chata Development Company (Board)
Choctaw Housing Authority (Board)
Choctaw Utility Commission (Board)
Committee on Health Services and Community Development
Committee on Economic and Resource Development
Committee on Financial and Governmental Affairs
Personnel Policies Review Board

Figure F_1: Tribal Council Committee structure and relationship of Council to Federal Agencies and Tribal quasi-governmental entities.

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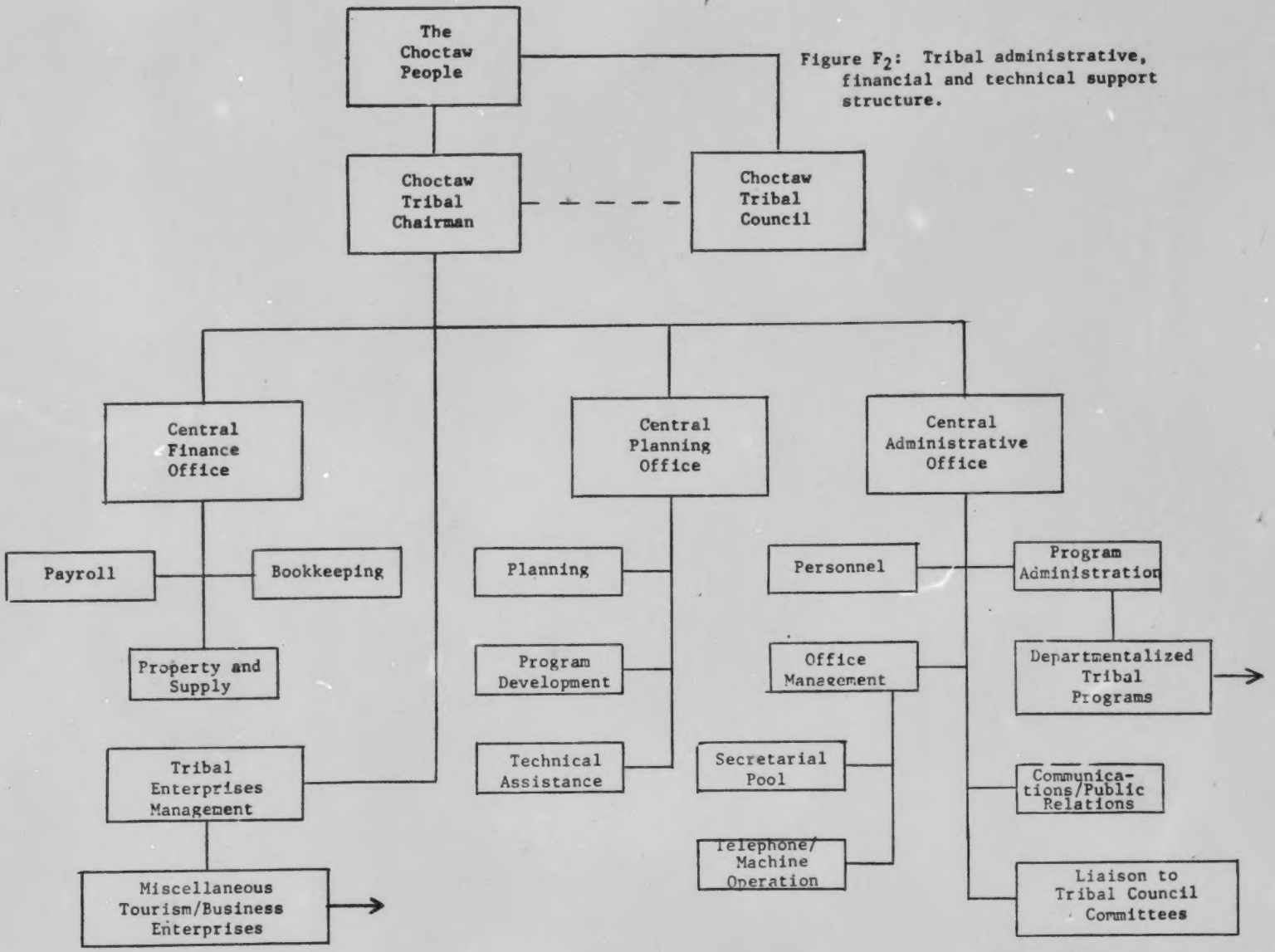


Figure F_2: Tribal administrative, financial and technical support structure.

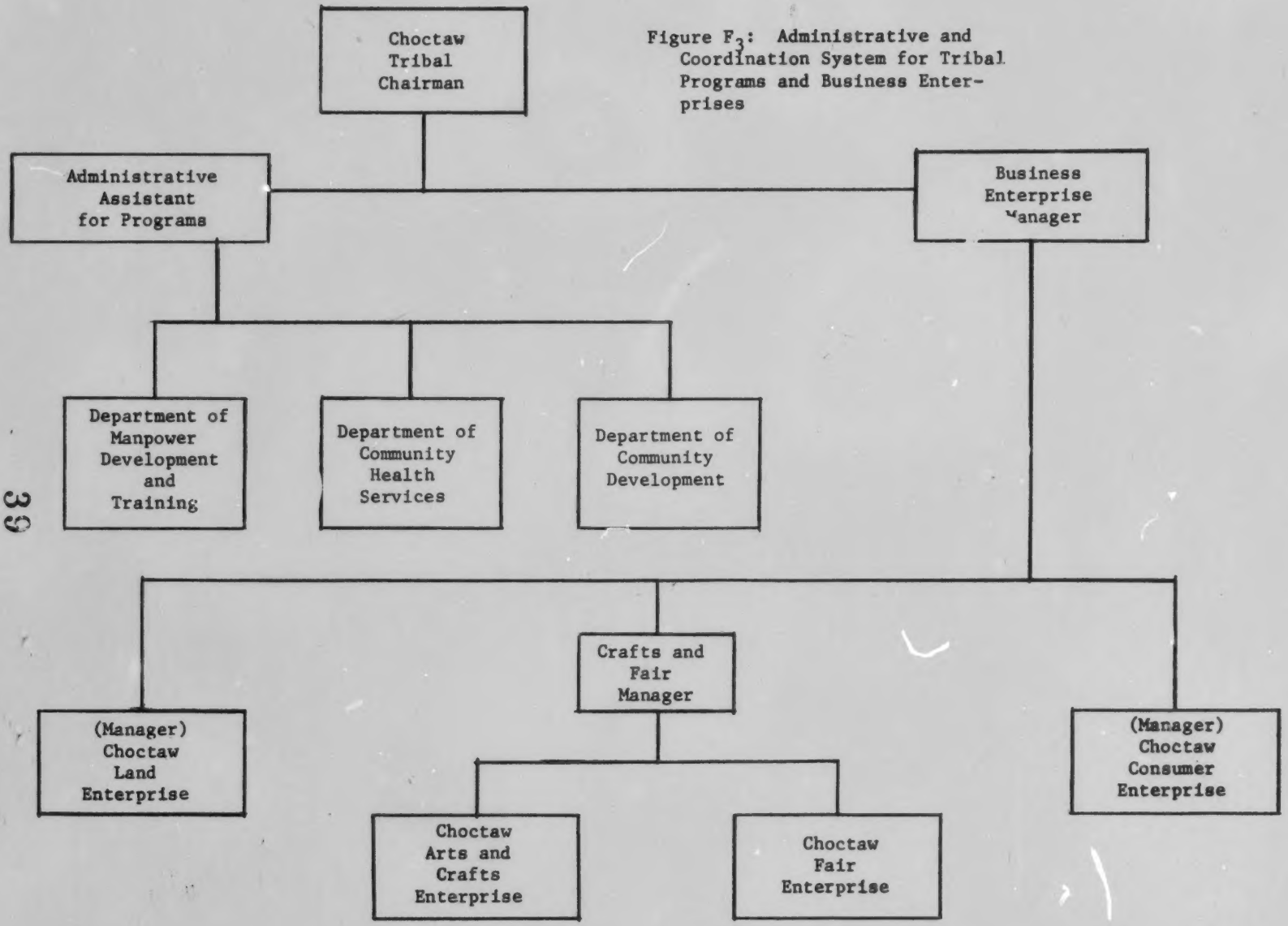

Choctaw Tribal Chairman
Administrative Assistant for Programs
Business Enterprise Manager
Department of Manpower Development and Training
Department of Community Health Services
Department of Community Development
(Manager) Choctaw Land Enterprise
Crafts and Fair Manager
(Manager) Choctaw Consumer Enterprise
Choctaw Arts and Crafts Enterprise
Choctaw Fair Enterprise

Figure F_3: Administrative and Coordination System for Tribal Programs and Business Enterprises

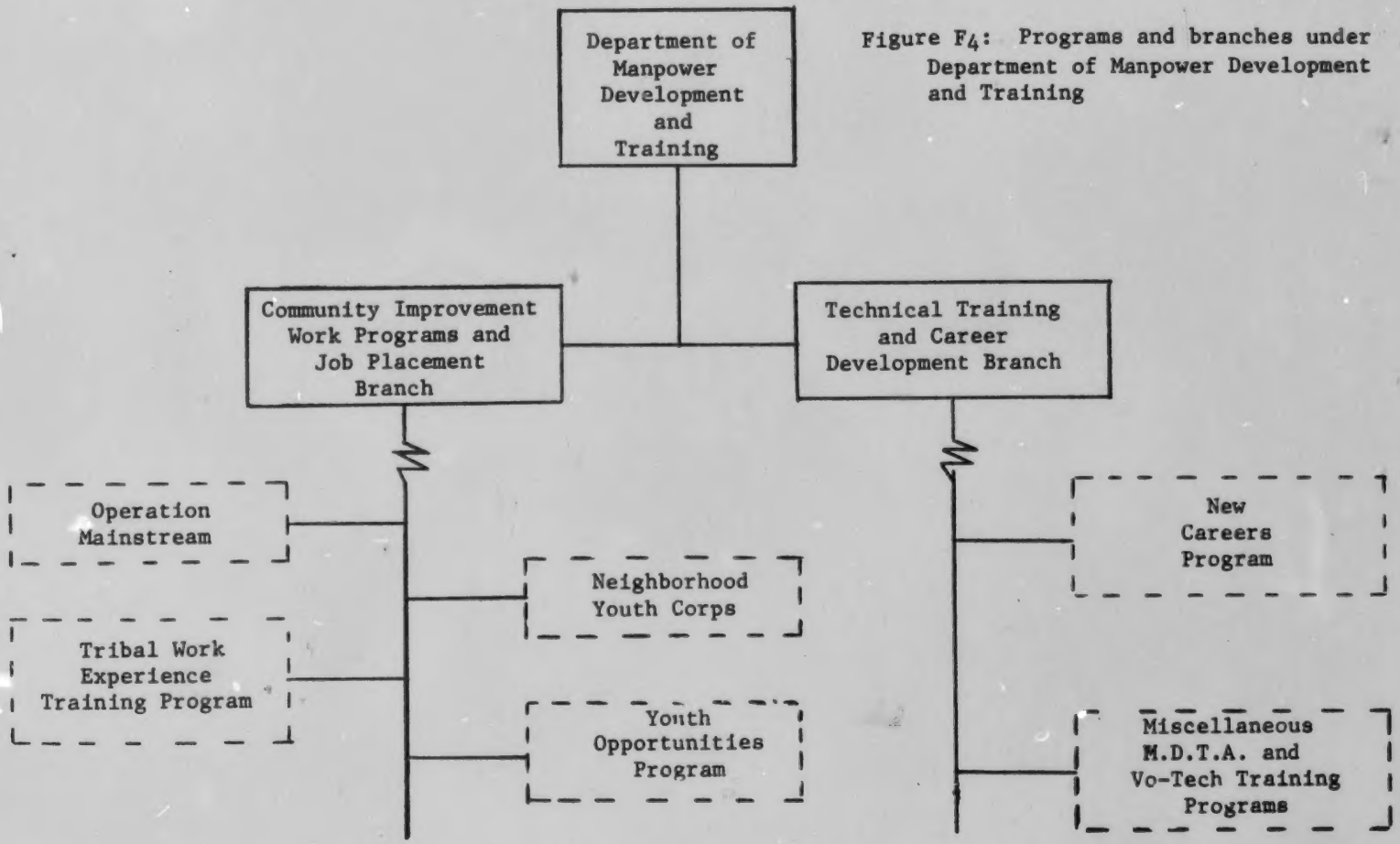
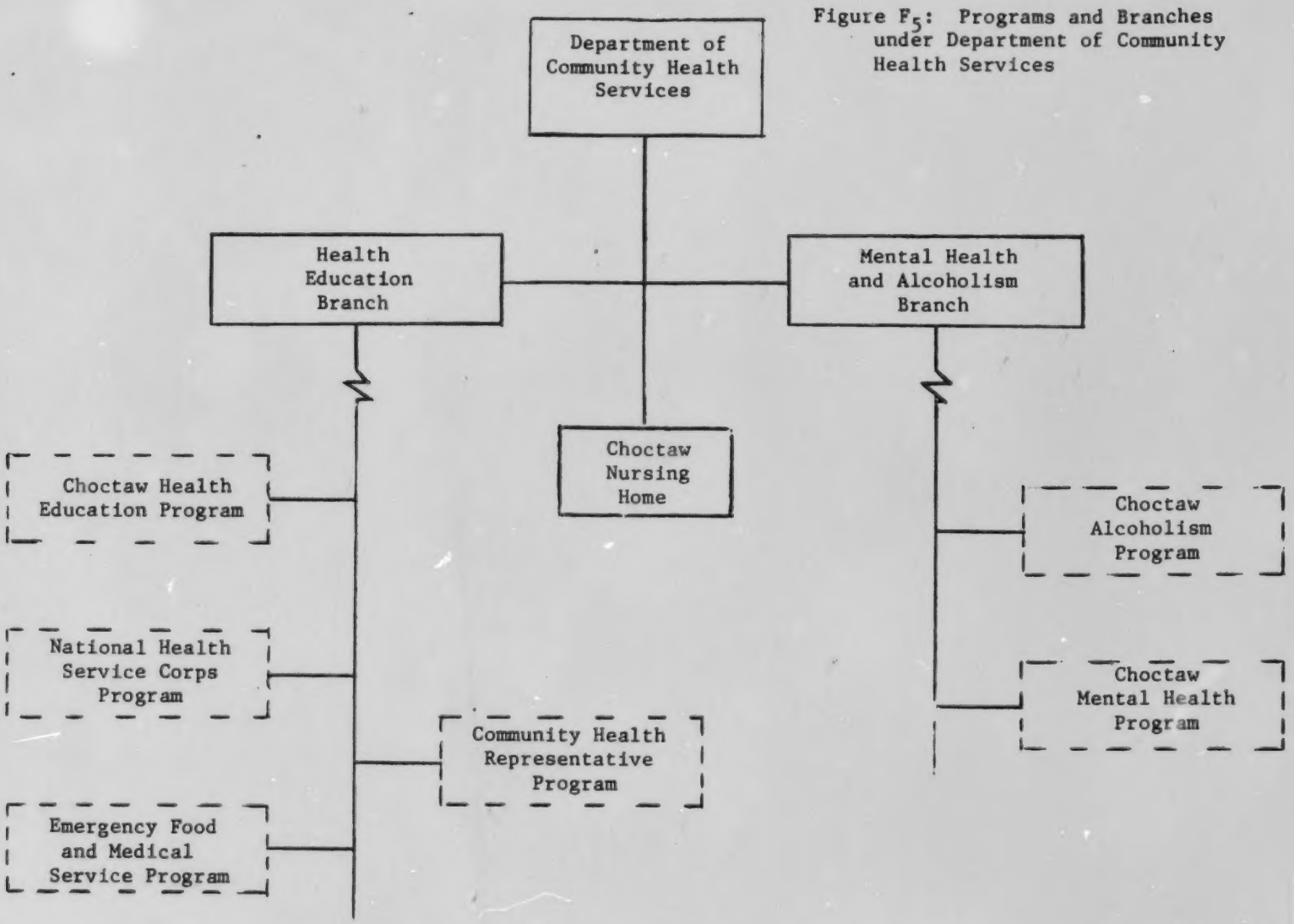

Department of Manpower Development and Training
Community Improvement Work Programs and Job Placement Branch
Technical Training and Career Development Branch
Operation Mainstream
Neighborhood Youth Corps
Tribal Work Experience Training Program
Youth Opportunities Program
New Careers Program
Miscellaneous M.D.T.A. and Vo-Tech Training Programs

Figure F_4: Programs and branches under Department of Manpower Development and Training

Figure F_5: Programs and Branches under Department of Community Health Services


Department of Community Health Services
Health Education Branch
Mental Health and Alcoholism Branch
Choctaw Nursing Home
Choctaw Health Education Program
National Health Service Corps Program
Community Health Representative Program
Emergency Food and Medical Service Program
Choctaw Alcoholism Program
Choctaw Mental Health Program

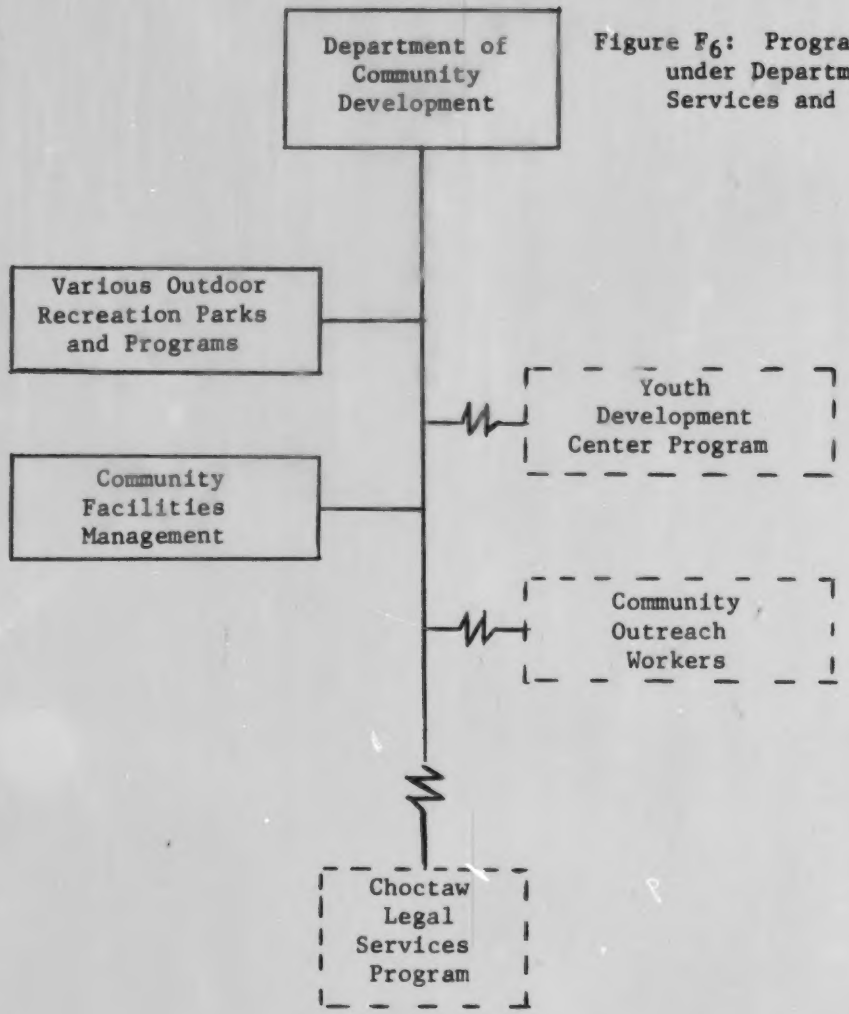
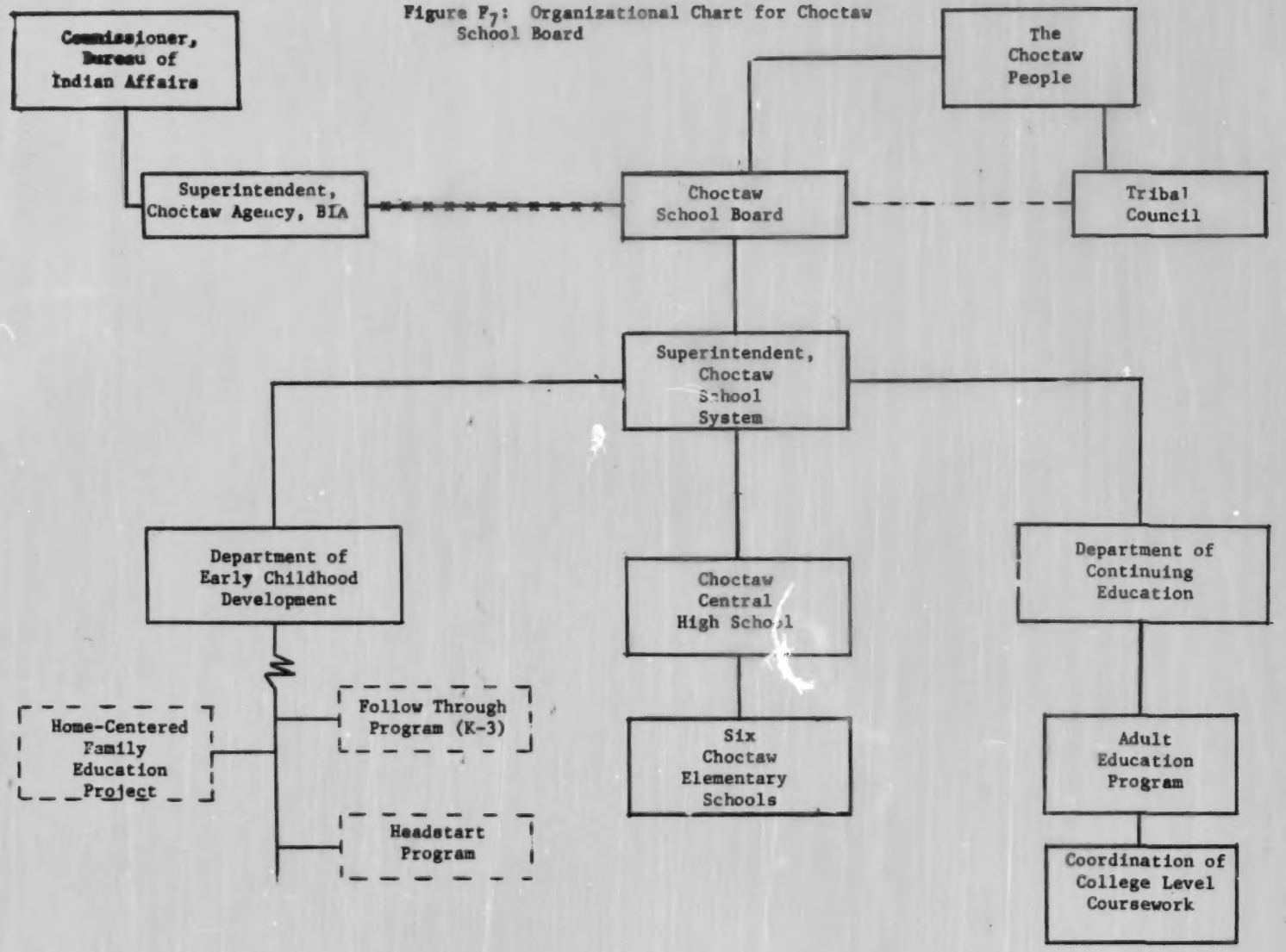

Department of Community Development
Various Outdoor Recreation Parks and Programs
Community Facilities Management
Youth Development Center Program
Community Outreach Workers
Choctaw Legal Services Program

Figure F_6: Programs and Branches under Department of Community Services and Youth Development

Figure P_7: Organizational Chart for Choctaw School Board



1. Division of Powers and Functions.

   - Upon implementation, the Tribal Council will become strictly a legislative and policy-making body. Responsibility for the administration of all Tribal programs and enterprises will be constitutionally delegated to the Tribal Chairman who will be directly elected by the Choctaw people. The new Tribal Constitution and Bylaws will clearly delineate the duties, responsibilities and powers of both the Council and the Chairman. Certain functions of the Tribal administrative component will be transferred to other Tribal entities where appropriate.

   - This structure will replace the FY 1971 system in which the Tribal Council exercises all governmental powers and functions of the Tribe; and, in which the Tribal Chairman (who was elected by the Council from among its membership) attempts to administer Tribal operations under a broad interpretation of his duty as "coordinator of overall activities." The existing Tribal Constitution and Bylaws does not clearly establish the powers, duties or responsibilities of the Tribal Chairman vis a' vis the Tribal Council and the Chairman's administrative powers are largely de facto rather than de jure. The Tribal Administrative component now performs certain functions which could more effectively be performed by other Tribal instrumentalities, e.g. management and maintenance of all Tribal housing should be handled by the Choctaw Housing Authority.

2. Tribal Council Committee Structure.

   - Upon implementation, the Tribal Council will support its formal legislative function by means of three permanent standing committees and the Tribal Personnel Policies Review Board (see Figure F1). Through these committees the Council will research and analyze the problems and prospects of the Choctaw Reservation which fall within their area of responsibility.[13] This Committee structure will enable the Tribal Council to fulfill its legislative function in an active and forceful manner so as to balance the executive component

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[13]By virtue of their offices, the Secretary-Treasurer of the Council will chair the Committee on Financial and Governmental Affairs while the Vice-Chairman of the Council will chair the Committee on Economic and Resource Development. Chairman of the Committee on Health Services and Community Development and the Personnel Policies Review Board will be selected by the members of these bodies.

(the Tribal Chairman and staff) of the Choctaw Tribal Government. Committee Chairman are expected to serve in a full-time paid capacity as soon as Tribal income permits. This committee system will ensure that the Tribal Council does not degenerate into a rubber stamp for the Tribal Chairman by providing Councilmen an opportunity

a. To develop expertise in areas critical to the development of the reservation.

b. To become knowledgeable of and involved in matters of importance to the Tribe on a day-to-day basis.

- o This consolidated Tribal Council Committee structure replaces the FY 1971 structure in which the 16 members of the Council served on 12 permanent Council committees. These committees held few, if any, regular sessions, kept no records of their proceedings and exerted little, if any, influence on the decisions of the Council. Many of these committees were single-purpose entities whose existence had largely outlived the reason for which they had been established (see Figure G for breakdown on Committee Consolidation).

3. Establishment of Administrative Chain of Command.

- o Upon implementation, each Tribal employee will be certain of the relationship of his position to that of all other employees. Each employee's duties and responsibilities will be clearly defined (through job descriptions) and his supervisor will be clearly identified. Responsibility for the management of each Tribal Enterprise or program will be clearly delegated.

- o This action remedies the FY 1971 situation in which there were no job descriptions for Tribal employees, in which there was no clearly defined chain of command within the Tribal Government structure and in which some Tribal Enterprises were operated by BIA employees who served as de facto administrators.

4. Establishment of Standard Operating Procedures.

- o Upon implementation, standard procedures to govern the administration of all phases of the Tribal Government operation will be implemented (including standardized housing administration policies, personnel policies, financial policies and procedures, election procedures, and program administration procedures).

- o This approach remedies the FY 1971 situation in which the Tribal Government system was loosely structured and in which there were no standard operating procedures governing any action by the Tribal administration or Tribal Chairman. (Tribal Election Procedures existed but were so outdated that they were virtually worthless).

5. Realignment of the Tribal Programs Structure.[14]

   - o Upon implementation, all Tribal programs will

     a. be controlled and coordinated by a Tribal Administrative Assistant.

     b. be consolidated and departmentalized by function and purpose.

     c. be increased in effectiveness through mutual cooperation of related programs.

     d. operate vis a' vis merged administrative and field staffs (where the programs involved have identical or overlapping objectives and where Federal guidelines permit).

     e. permit (as a group) the provision of a greater continuity of employment for program employees, a more effective training and career development effort, and a more sustained concentration of the resources of several programs upon a particular problem over time.

     f. be structured so that the central Tribal administration will supply contracted financial/bookkeeping/administrative services to each program.

   - o This programs structure will remedy several significant administrative and delivery systems deficiencies which were inherent in the FY 1971 structure:

     a. in which each source of program funds generated a separate administrative staff.

     b. in which each program (irregardless of the comparability of its goals to those of other programs) operated as an autonomous and often competitive unit.

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[14]Realignment of the Tribal programs structure is discussed in detail in Section V, A of this report.

c. in which employees of Federally-funded programs considered themselves to be employees of the Agency which supplied their funds rather than the Tribe.

d. in which there was substantial duplication of effort, a failure to concentrate (comparable) program resources upon related target problems, and a lack of continuity of the total Tribal programs effort (over time) with respect to particular targeted problems.

e. in which program employees were sporadically employed (due to lapses in program funding) and were poorly and narrowly trained.

6. Maintenance of Information.

- Upon implementation, all Tribal records will be properly maintained and stored (including correspondence, contracts, program proposals, financial accounts and bookkeeping records, and official Tribal documents such as resolutions, ordinances, constitution and bylaws, etc.) and provision will be made to insure continuation of this practice from Tribal administration to administration.

- This will correct the FY 1971 situation in which many important Tribal records (such as those cited above) were not properly maintained; historically, where such records were adequately maintained by a particular administration, there was little carry over of this effort to the succeeding administration.

C. Implementation

A synopsis of the transitional steps which must be (or have been) completed to implement the Tribal Government Reorganization Plan is outlined in Phases I, II, and III below. Each step listed should be completed prior to Fiscal Year 1974:

Phase I: Development, adoption and implementation of reorganized Tribal Government system (documents, procedures structure).

1. Authorization by the Tribal Council to revise the existing Constitution and Bylaws and to establish a Constitutional Revision Committee (Resolution CHO 33-72; November 12, 1971).

2. Development of drafts 1 - 3 of the Revised Constitution

and Bylaws by the Center CSD Planning Staff; Native American Technical Assistance Corporation; Peat, Marwick, Mitchell, Inc.; Fried, Frank, Harris, Shriver and Kampelman, Counsel for the Tribe; the Tribal Chairman and the Tribal Constitutional Revision Committee (November 12, 1971 - July 17, 1972).

3. Review and approval of final draft Revised Constitution and Bylaws by the Tribal Council (Resolution CHO 122-72, April 12, 1972).

4. Review and approval of final draft of Revised Constitution and Bylaws by Tribal Operations Branch, Bureau of Indian Affairs (this occurred on June 21, 1972, with minor alterations).

5. Review and approval by Tribal Council of minor alterations suggested by Tribal Operations Branch, Bureau of Indian Affairs (Resolution CHO 01-73; July 17, 1972).

6. Authorization and scheduling of a Tribal referendum by the Secretary of the Interior on the question of adoption of the Revised Constitution and Bylaws (authorization expected by October 1, 1972).

7. Review and approval by 30% of Choctaw adults of the (proposed) new Tribal Constitution and Bylaws by referendum (referendum expected by December 1, 1972).

8. Certification and implementation of new Tribal Constitution and Bylaws by the Secretary of the Interior (expected by March 1, 1973).

9. Authorization by the Tribal Council for the development of Revised Tribal Election Procedures by the Tribal Resolution Committee in accordance with (proposed) Revised Constitution and Bylaws (expected prior to September 1, 1972).

10. Development of Revised Tribal Election Procedures by the Center CSD Planning staff; NATA; Fried, Frank, Harris, Shriver and Kampelman; Peat, Marwick, Mitchell and Company; Tribal Chairman; Tribal Resolution Committee (completion targeted for December 1, 1972).

11. Review and adoption of Revised Tribal Election Procedures by the Tribal Council (expected prior to February 1, 1973).

12. Review, approval and implementation of Revised Tribal Election Procedures by Secretary of the Interior

(expected prior to April 1, 1973).

13. Development by Center CSD Planning Staff and Tribal Chairman of proposed Tribal Council Committee Consolidation and Reorganization Plan (March 1, 1972 - July 20, 1972). (See Figure G.)

14. Review, approval and implementation by the Tribal Council of Tribal Council Committee Consolidation and Reorganization Plan (expected prior to October 1, 1972).

15. Authorization by Tribal Council for the development of standardized Tribal membership procedures (Resolution CHO 16-72; August 16, 1971).

16. Development by Center CSD Planning Staff and Tribal Chairman of standardized Tribal membership procedures (targeted for completion by December 1, 1972).

17. Review and approval of standardized Tribal membership procedures by Tribal Council (expected by February 1, 1973).

18. Review, approval and implementation of standardized Tribal membership procedures by Secretary of the Interior (expected prior to April 1, 1973).

Phase II: Development, approval and implementation of basic changes in the Tribal administrative structure and operating procedures.

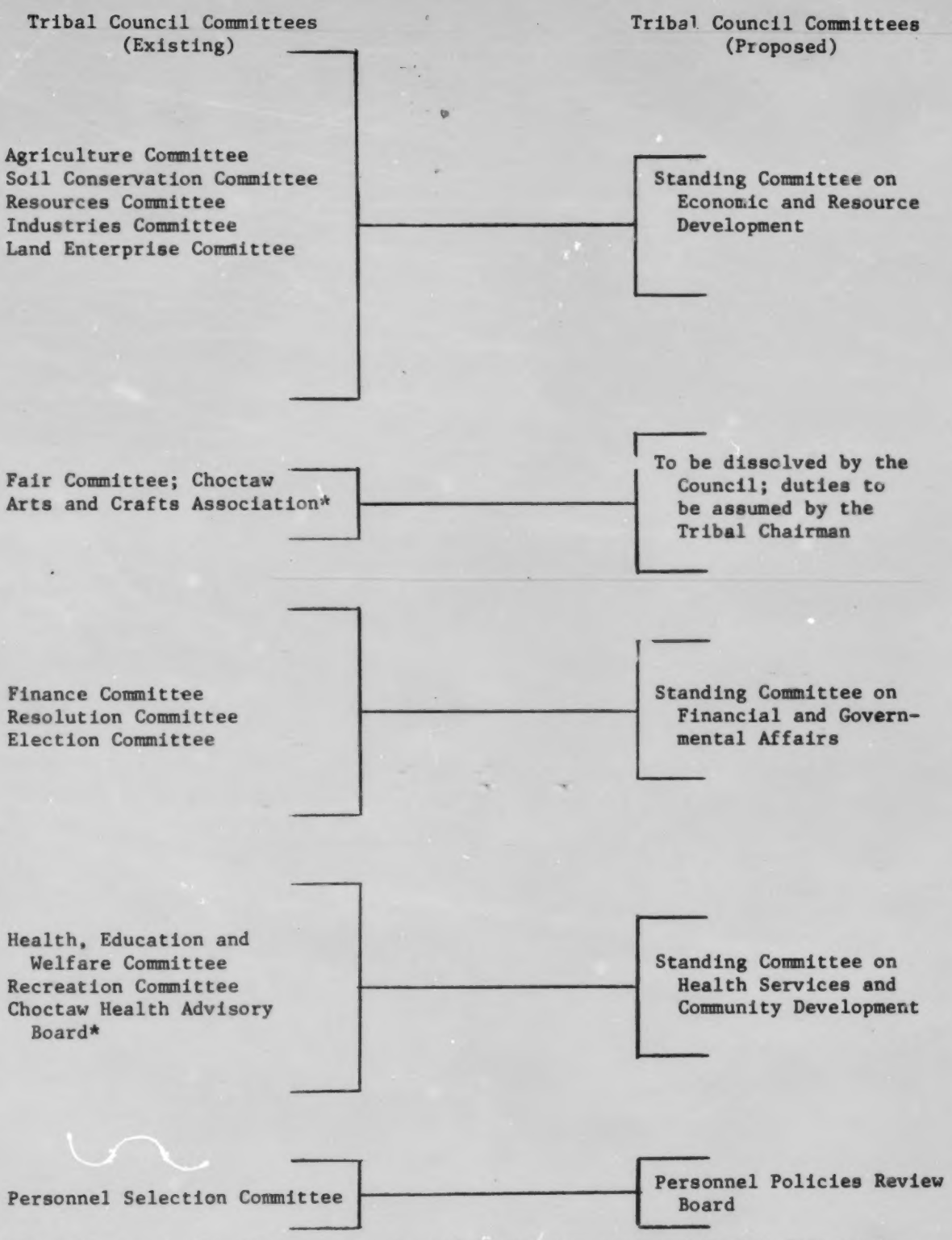
1. Authorization by the Tribal Council to merge the Choctaw Community Action Agency programs' structure and administrative component within the Tribal Government Administrative Structure (Resolution CHO 83-72; April 12, 1972).

2. Scheduled implementation of this Choctaw CAA-Tribal administrative structural and programs merger by the Tribal Chairman (completed July 1, 1972).

3. Development of standardized Tribal Housing purchase and rental procedures by the Center CSD Planning Staff (completed October 5, 1972).

4. Adoption of standardized Tribal Housing purchase and rental procedures by the Tribal Council and authorization for the Chairman to implement them (Resolution CHO 31-72; October 14, 1971).

FIGURE G. PROPOSED TRIBAL COUNCIL COMMITTEE CONSOLIDATION PLAN


Tribal Council Committees (Existing)
Tribal Council Committees (Proposed)
Agriculture Committee
Soil Conservation Committee
Resources Committee
Industries Committee
Land Enterprise Committee
Standing Committee on Economic and Resource Development
Fair Committee; Choctaw Arts and Crafts Association*
To be dissolved by the Council; duties to be assumed by the Tribal Chairman
Finance Committee
Resolution Committee
Election Committee
Standing Committee on Financial and Governmental Affairs
Health, Education and Welfare Committee
Recreation Committee
Choctaw Health Advisory Board*
Standing Committee on Health Services and Community Development
Personnel Selection Committee
Personnel Policies Review Board

*The Choctaw Health Advisory Board and the Choctaw Arts and Crafts Association are not Tribal Council Committees per se, but were established to perform much the same functions as the entities into which they will be merged.

5. Development and implementation by Tribal Finance Officer and Tribal Chairman of a standardized collection and record keeping system to record the sales and rentals of Tribal Housing (completed November 1, 1972).

6. Creation by Tribal Council of permanent position of Administrative Assistant to Tribal Chairman and definition of his role and authority (Resolution CHO 124-72; April 12, 1972).

7. Development by Tribal Administrative Assistant, Tribal Chairman and Center CSD Planning Staff of Tribal program departmentalization/coordination/consolidation plan and operating procedures. (Plan completed July 20, 1972; procedures targeted for completion prior to October 1, 1972.)

8. Departmentalization/coordination/consolidation of Tribal programs in accordance with reorganization plan by Tribal Chairman and Administrative Assistant (in process; completion targeted for January 1, 1973).

9. Creation by Tribal Council of permanent position of Chief Finance Officer for the Tribe; authorization by Council for Chairman to establish Central Tribal Finance Office (Resolution CHO 125-72; April 14, 1972).

10. Establishment by Tribal Chairman of Central Tribal Finance Office; consolidation of fragmented bookkeeping personnel (in process; completed for existing programs July 1, 1972).

11. Development by Chief Finance Officer and Tribal Chairman of standardized Tribal Finance Policies and Procedures to govern all Tribal operations (targeted for completion prior to December 1, 1972).

12. Adoption of standardized Tribal Finance Policies and Procedures by Tribal Council for implementation by the Chairman throughout the Tribal Government structure (expected prior to February 1, 1973).

13. Implementation of standardized Tribal Finance Policies and Procedures throughout the Tribal Government structure (targeted for March 1, 1973).

14. Authorization by the Council for the development of standardized Tribal Personnel Policies (including job descriptions and job-salary classification scale) to govern all Tribal employees and to establish a

Personnel Policies Review Board (Resolution CHO 126-72; April 14, 1972).

15. Appointment by Tribal Chairman of a Tribal Personnel Officer to handle interviews, maintain personnel records, record personnel actions, and recruit employees for all Tribal programs (January 24, 1972).

16. Creation and maintenance by personnel officer of permanent personnel files on all Tribal employees (in process; completion targeted for January 1, 1973).

17. Development of 1 - 4 drafts of Tribal Personnel Policies by Native American Technical Assistance, Corp.; Center CSD Planning Staff; Tribal Personnel Selection Committee; Tribal Chairman and Tribal Council (November 10, 1971 - July 17, 1972).

18. Review and approval of final draft of Personnel Policies by the Tribal Council; formal dissolution of Personnel Selection Committee and establishment of Personnel Policies Review Board (Resolution CHO 05-73, July 17, 1972).

19. Implementation by Tribal Chairman of Personnel Policies throughout Tribal programs' structure (targeted for September 1, 1972).

20. Development by the Center CSD Planning Staff and Personnel Officer of a job-salary classification scale to cover all Tribal employees (targeted for completion by December 1, 1972).

21. Approval by Personnel Policies Review Board of job-salary classification scale, and attachment to Personnel Policies as an appendix (expected by February 1, 1973).

22. Development of job descriptions for all Tribal employees by Center CSD Planning Staff and Personnel Officer (targeted for January 1, 1973).

23. Approval by Personnel Policies Review Board of job descriptions for all Tribal employees and attachment to Personnel Policies as an appendix (expected by March 1, 1973).

24. Implementation of new job descriptions throughout Tribal Government and programs' structure by Tribal Chairman and Administrative Assistant (targeted for April 1, 1973).

25. Approval by the Tribal Council of a Tribal employee pension plan with Metropolitan Life, etc. (Resolution CHO 27-72; September 15, 1972).

26. Authorization by the Tribal Council to employ a Tribal business manager to manage Tribal business-tourist enterprises (expected prior to November 1, 1972).

27. Employment of Tribal business manager by Tribal Chairman with approval of Tribal Council (expected prior to December 1, 1972).

Phase III: Establishment and/or restructuring of quasi-governmental and business entities in accordance with Tribal Government Reorganization Plan.

1 Development by Center CSD Planning Staff of a proposal to secure funding to support the establishment of a Certified Choctaw School Board. Three different proposals developed and submitted to BIA (August 27, 1971); Campaign for Human Development (January 14, 1972) and BIA (May 4, 1972; Revised August 2, 1972).

2. Commitment by Tribal Council to support the establishment of a Certified Choctaw (Contract) School Board (Resolution CHO 18-72; August 16, 1972).

3. Funding by BIA of Pilot Project to Establish Choctaw Contract School Board (targeted for September 1, 1972).

4. Completion of key organizational and certification steps specified in: Pilot Project to Establish a Certified Choctaw School Board (expected by September 1, 1973).

5. Establishment of a Choctaw Department of Continuing Education to administer all Tribal educational programs provided for Choctaw adults--Adult Education, post high school supplemental (academic) training, college coursework, etc.--through a community college approach to be administered by the Choctaw School Board after September 1, 1973 (initial structure expected by January 1, 1973).

6. Commitment by Indian Health Service to fund development of a plan for the establishment of a Tribal Utility Commission and the operation of a Tribal Solid Waste Disposal Operation (January 5, 1972).

7. Memorandum of Agreement between BIA and Tribe, negotiated to provide two hydraulic garbage trucks for use in the Tribal Waste Collection Operation (January 12, 1972).

8. Authorization by Tribal Council to establish Tribal Utility Commission to manage reservation utilities and the solid waste collection operation (action from the floor, regular meeting, April 12, 1972).

9. Completion of a 3-part waste collection, disposal and utility commission feasibility study and plan by Consulting Engineers under contract from IHS (expected by September 1, 1972).

10. Development by the Center CSD Planning Staff of a charter upon which to structure the Utility Commission (completed July 10, 1972).

11. Approval by the Tribal Council of the waste collection, disposal system and Utility Commission proposed in the IHS plan; issuance of the Utility Commission charter and selection of Commission members (expected prior to September 1, 1972).

12. Formal establishment of the Tribal Utility Commission Office and operations (targeted for November 1, 1972).

13. Implementation of Phase I of the plan: the collection and disposal of solid waste on the Choctaw Reservation (targeted for December 1, 1972).

14. Implementation of administration and control of energy sources and systems on the Choctaw Reservation by the Utility Commission (targeted for July 1, 1973).

15. Authorization by the Tribal Council to establish a Choctaw Consumer Cooperative Enterprise (Resolution CHO 51-72; November 12, 1972).

16. Development by Center CSD Planning Staff of charter upon which to structure Cooperative Enterprise (completed February 1, 1972).

17. Procurement by Tribal Chairman of funds from OEO to support construction of cooperative enterprise building and related equipment/facilities (July 30, 1971; initially authorized by Choctaw Community Action Agency Board).

18. Creation of Choctaw Consumer Cooperative Enterprise

Board and issuance of Cooperative Enterprise charter by the Tribal Council (Ordinance # 2; February 22, 1972).

19. Completion of construction, furnishing and stocking of Cooperative Enterprise Store and gas pump; manager and employees selected and trained; formal opening for business (May 25, 1972).

20. Following settlement of State vs. Tribal jurisdictional and tax liability questions, restructuring of Chata Development Company/Choctaw Construction Enterprise to provide optimal operating structure; see section VIII, page 65 of this report (jurisdictional question should be settled prior to October 1, 1972); restructuring of this entity expected by December 1, 1972).

21. Authorization by Tribal Council to transfer all Tribal housing functions (purchase, sale, repair and rental) from the Tribal Government administrative component to the Choctaw Housing Authority (Resolution CHO 68-72; January 12, 1972).

22. Transfer of all Tribal housing functions from the Tribal Government administrative component to Choctaw Housing Authority; completion of transfer of

    (1) HIP housing (targeted for January 1, 1973).

    (2) Original Tribal housing (targeted for July 1, 1973).

23. Development of Land Enterprise - Farm Management Plan by Center CSD Planning Staff--this plan provides for the operation of the Land Enterprise Swine Production operation in cooperation with the Choctaw Youth Development Center (May 15, 1972 - July 17, 1972).

24. Adoption of the Land Enterprise Farm Management Plan by the Tribal Land Enterprise Committee (July 19, 1972).

25. Implementation of Phase 1 of Land Enterprise Farm Management Plan: employment of swine production operation manager and general reorganization of physical plant and operating procedures (July 20, 1972).

26. Implementation of Phase 2 of Land Enterprise Farm

Management Plan:

(1) inventory and value assessment of Land Enterprise heavy equipment and surplus supplies by Land Enterprise Committee, Land Enterprise staff and Center CSD Planning Staff (completion targeted for November 1, 1972).

(2) Sale of excess Land Enterprise heavy equipment and supplies by Tribal Council (expected by December 1, 1972).

27. Transfer of responsibility for management and promotion of annual Choctaw Fair from Fair Committee to Tribal Business Enterprise Manager (expected by November 1, 1972).

28. Transfer of responsibility for management and promotion of Choctaw Arts and Crafts production and sales from Choctaw Arts and Crafts Association to the Tribal Business Enterprise Manager (expected by January 1, 1972).

V. THE TRIBAL PROGRAMS STRUCTURE

A. Consortium Funding and Consolidated Program Administration

1. Background

As was briefly outlined in Section IV of this report, the Tribal programs structure is targeted for a major administrative and procedural reorganization. The intent of this reorganization is to remedy substantial administrative and service delivery deficiencies which characterized the FY 1971 structure.

The programs' structure we propose to correct these deficiencies is shown on Figures F_2 - F_7, while the FY 1971 structure is presented on Figures E_1 and E_2. The rational upon which this structure is based was derived from the following considerations:

a. Under the fragmented FY 1971 structure, each separate grant of program funds generated a separate project administration and financial staff. Under that structure, each project director tended to control his project funds with insufficient regard for the long-run goals of the Tribal Government and there was little coordination of or cooperation between programs which were designed to attack related problems.

b. Under the FY 1971 structure, the Tribal Government (the grantee for all such programs on the Choctaw Reservation) exercised little direct control over these programs once funded, even though many of them were operating in a manner which placed them perilously close to violations of budgetary and guideline limitations. Moreover, to a substantial degree, these programs tended to underutilize their resources, i.e. these resources were not concentrated upon their targeted problems in a sustained or effective manner.

c. Under the FY 1971 structure, the project administrative and finance staff (in most cases) looked to the source of their particular funds (rather than the Choctaw Tribal Government) for direction. This attitude (coupled with administrative and organizational deficiencies in the Tribal Government structure itself) precluded the Tribal Government from exercising effective control over or coordination of these project resources.

d. Under the FY 1971 structure project employees (below the administrative and finance level) tended to view the Tribal or Choctaw Community Action Agency Personnel Selection Committee (instead of their respective project directors) to be their supervisors. This situation contributed to the inability of most of these programs to reach their targeted objectives or to wisely utilize their resources since the respective project directors could not effectively supervise or control their staff.

e. Under the FY 1971 structure, there was no means through which the Tribal Government could effectively counteract the discontinuity of employment on the reservation which was produced by the on-again, off-again (short-run) funding cycle of Federal programs. More significantly, this discontinuity in the flow of resources significantly hampered the impact of these programs upon the problems of the Choctaw people.

f. Under the FY 1971 structure, Tribal outreach programs operated as separate entities with each programs' field personnel dealing with only a narrow range of community problems. In many cases a person in need would find that a particular Tribal outreach worker could not or would not respond to his request for assistance on the grounds that the problem involved was not one which his particular program was established to deal with. This situation stems from many sources

(see a-e above) including the fact that the initial request for each Tribal outreach program identified a separate theoretical "target group," e.g. the Nutrition Program (malnourished children), the Community Health Representatives (families with sanitation and environmental health problems), the Alcoholism Program (chronic problem drinkers and alcoholics), the Neighborhood Service System (unemployed, indigent adults). In practice, most, if not all of these target characteristics, can be found in 40%-60% of all Mississippi Choctaw families; hence, the need for operation of all outreach programs as a unit with joint training and joint administration.

2. Mode of Operation

The consolidated Tribal programs structure, which was designed to remedy the systems deficiencies described above will operate as follows:

a. All Tribal programs (regardless of the source of their funds) will be categorized by function and placed into administrative departments along with programs whose resources are directed toward related problem areas. Each department head will be responsible for the identification, coordination, organization, management and utilization of resources which can be applied to the target problems within their area of responsibility. Each department's programs will be grouped to operate from the same facility.

In this manner, the Tribe will be able to mount a more sustained assault upon the problems of the reservation than was possible under the FY 1971 structure because under the new structure, as one source of program funds is terminated, its function can be assumed by a new or existing source of program funds administered by that department. If the relevent Federal guidelines are not flexible enough to allow such funding to funding transfers, then the functions can be assumed by a new or existing (separate) program.

b. To ensure the feasibility of transferring functions between programs and/or funding sources, all applications for program grant or contract funds will be developed so that their targeted objectives are structured to support the targeted objectives of other programs within that department. The more general goals of all programs will be specifically designed to support the Tribe's long-range self-development,

self-government objectives.

Similarly, all proposals for new programs must contain explicit job descriptions which conform to the standard Tribal form, which are prepared in cooperation with the administrative assistant and personnel officer, and which are approved by them prior to submission of the proposal for funding consideration.

c. The Tribe's Administrative Assistant to the Tribal Chairman will be directly responsible for ensuring that all Tribal programs are operating effectively and cooperatively. The fragmented programs' structure of Fiscal Year 1971 will be transformed into a consolidated structure as shown on Figures F_2 through F_7. The Administrative Assistant will administer and coordinate all Tribal programs.

d. Additional supportive administrative services and all grantee accounting and financial services will be provided for each program by contract from the central Tribal Government. Funding to support these administrative and financial services will be secured by contractual arrangement from each grant or contract program operated by the Tribal Council, e.g. each program will budget in a certain percentage of funds to cover contract administrative and bookkeeping services.

This approach will enable the Tribal Government to increase or decrease the Central Tribal Finance Office Staff as the demand for such services (largely a function of the number of programs being operated by the Tribe) rises or falls.

The administrative support staff projected on Figures F_3 through F_6 can be similarly adjusted, but with considerably more flexibility since the departments and branches depicted thereon should be viewed primarily as functional subdivisions (resource coordination, utilization, identification, organization and management) as opposed to positional subdivisions (department heads, branch chiefs, etc.).

This explanation should clarify the means by which the Tribe can finance a gradual expansion of its administrative staff in response to increments in the demand for administrative support at this level, e.g. the Administrative Assistant will perform all functions projected at the department and branch level at the outset of the Tribe's implementation

of the reorganized program structure and as his work load increases the Tribal Administrative staff will be expanded accordingly.

e. Where possible, program resources from various funding sources will be channeled into single program administration components under a single project director.

f. Similarly, the Tribal Council will seek to simultaneously secure funds to support the operation of several projects which are not intended (by the funding agency) for implementation as a unit, but which when developed and coordinated as a unit can contribute significantly to the development of the Choctaw Reservation.

This approach enables the Tribe to secure a greater impact from a given amount of resources than would be the case if these same program resources had been secured (1) to operate simultaneously but without coordination with the other program units, and (2) to operate non-simultaneously over time.

g. Where permissable under Federal guidelines, the Tribal Council will seek to reduce the number of program governing and policy-advisory boards. As the elected representatives of the Choctaw people, the Council feels that the responsibility of ensuring the effective operation of these programs should not be delegated to other persons.

h. All Tribal outreach and field service programs will be merged so that the various agency funds which support them will be channeled through the outreach and community development component. Training for each outreach worker involved will be expanded to encompass the knowledge they need to enable them to perform the functions of all the other outreach programs put together, e.g. a Tribal Community Health Representative would also be skilled in the basics of alcoholism counseling, nutritional research and general community and consumer services, and vice versa for each program indicated on Figure F_5.

This would enable a community person to receive information and assistance from a single Tribal outreach worker (under the new system) that formerly could have been secured only through four or five separate program workers. The Tribe would thus be substituting a single entry system for an overlapping,

inefficient procedure, as well as producing well-trained, upwardly, mobile community development specialists.

3. Implementation

The Choctaw Tribal Government has only begun to implement the program consolidation system described above. To date, the following action has been taken:

a. Day-to-day responsibility for the administration of all Tribal programs was delegated to the Administrative Assistant to the Tribal Chairman by the Council in Resolution CHO 124-72 on April 12, 1972. (The Tribal Chairman retains official responsibility for their operation.)[15]

b. Negotiations are in process to establish a Choctaw Department of Continuing Education which will arrange for and coordinate the provision of all college coursework offered on the Choctaw Reservation through a community college approach. Accordingly, college coursework now offered (or planned) separately in connection with such Tribal programs as the Adult Education Program, Head Start Program, Follow Through Program and New Careers Program, etc., can be coordinated as a unit. This approach will enable more Choctaw people to take advantage of the educational opportunities offered by these programs and should contribute to a significant increase in the number of Choctaw college graduates in the next decade.

c. First steps toward the eventual creation of a department of Early Childhood Development were completed by the Choctaw Headstart and Follow Through (grades K-3) programs (both HEW funded) on June 1, 1972. On this date the staffs of the Head Start and Follow Through Programs began operating from the same office and consolidated their administrative support staff to ensure coordination of their resources.

d. The Center CSD Planning Staff has developed and submitted a proposal to the National Institute of Alcoholism and Alcohol Abuse (on June 22, 1972). This project proposes to establish a Prevention-Information-Education-Rehabilitation Alcoholism Center on the reservation and provide for the administration of all

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[15]Responsibility for the operation of Tribal educational programs will be transferred to the Choctaw School Board after it has been formally chartered.

Tribal outreach programs through a single branch of outreach and community development.

In this regard, the Tribal Government has already taken steps to increase cooperation and coordination between the Tribal Community Health Representatives and the Nutrition Program. On August 1, 1972, these programs began to operate from the same office, and plans are now being developed to insure the coordination of these programs with other related Tribal and Indian Health Service health education and preventive medicine programs (Tribal Health Education Program, National Health Service Corps Program, New Careers Program; IHS Public Health Nursing and Field Clinic Nursing, IHS Environmental Health Program, etc.).

e. Two examples of the Tribe's approach to coordinating the contributions of several funding agencies as a combined program unit which were developed during FY 1972 follow:

- The Choctaw Youth Development Center (joint funded by HEW and LEAA) will be operated in conjunction with the Choctaw Land Enterprise Swine Production Operation (initially funded by BIA--now a Tribal Enterprise) during FY 1973. The director of the Youth Development Center will coordinate the implementation of the Land Enterprise Swine Production Management Plan by the farm manager, and will supervise and instruct the Youth Center enrollees when they work on the farm. It is expected that the Youth Center enrollees will eventually operate the Swine Production Operation on their own with little on-site assistance from the farm manager or the Youth Center director.

- The National Health Corp (funded by the U.S.P.H.S.) will place two Registered Nurses and a Health Educator on the Reservation for the Fiscal Year 1973 and 1974 (with vehicle, salary and expenses). Concurrently, the Tribe has worked with the Mennonite Church to secure the establishment of a Mennonite Volunteer Service Unit on the Reservation. Since the Mennonite Program is structured to provide the Tribe with several free volunteer service workers with each service worker that the Tribe can employ, these programs have been coordinated to support each other by placing a Mennonite worker (who is a qualified 4-year Registered Nurse with 2 years' experience) into one of the NHC Nursing slots. In addition, the Mennonite

Volunteer Service Program has placed six (6) more qualified volunteers on the Choctaw Reservation to work with the Choctaw Youth Development Center, the Choctaw Adult Education Program and the Choctaw Land Enterprise for the next 2 years. These volunteers, all professionals, will work to train Choctaw people to carry on their functions when their volunteer tour is over.

B. Problem Identification and Program Development

In conjunction with the Tribal Government reorganization described in Section III of this report, the Choctaw Tribal Government has worked to define major human and developmental problems on the Choctaw Reservation which were susceptible to attack through short-run service, training or research programs.

However, since Tribal Council Resolution CHO 18-72 had already established some first approximation goals and objectives for Fiscal Year 1972 and 1973, and since there is already considerable reliable socio-economic data on the Choctaw population, the Center CSD Planning Staff has concentrated upon collecting and analyzing information keyed to the particular reservation area problems identified by Resolution CHO 18-72. These studies were incorporated into proposal requests for funding or technical support of Tribally-operated programs which were designed to combat the specific problems identified. These programs were designed to operate so that the resources invested would also contribute to the achievement of the Tribe's long-run self-determination objectives.

Representative research studies of this type are

1. Abstract of Mississippi Choctaw Adult Educational and Occupational/Manpower Development Deficiencies: Current Status and Proposed Remedial Action (Mississippi Band of Choctaw Indians; September 27, 1971)

2. Health and Education for Choctaw Children Ages 0-5: Problems, Systems, Alternatives (Mississippi Band of Choctaw Indians; December 1, 1971)

3. Comments and Recommendations from Phillip Martin, Chairman, Mississippi Band of Choctaw Indians, to the National Council on Indian Opportunity Concerning the Social and Economic Problems of the Mississippi Choctaws (Mississippi Band of Choctaw Indians; January 31, 1972)

Following the development of these papers, the Tribal Chairman initiated several major inter-agency program development conferences at which the most effective means of securing funding support for the Tribal programs envisioned were examined. Some of these

conferences were held in Washington, D.C., while others, such as the Choctaw Conference on Early Childhood Development (report attached) were conducted at the Choctaw Reservation. Prior to the development of these programs, additional consultation with the Tribal Council and receipt of official Council authorization by resolution occurred with respect to each program sought.

A breakdown of the major service, technical assistance, facilities construction, training and research programs developed by the Center CSD Planning Staff under the direction of the Tribal Chairman during Fiscal Year 1972 is presented below. These programs are grouped in sets which conform to the departmental groupings outlined on Figures F_1 - F_7; however, these program groupings are not subdivided into branches, and programs which were operative during FY 1971 and were simply refunded for FY 1972 or FY 1973 are not listed. Moreover, only those programs which exist as a result of the procurement of additional resources for utilization on the Reservation through a proposal request are listed:

1. Manpower Development and Training

   a. Title: Construction Skills Training Program
   Tribal Council Authorization: Resolution CHO 08-72; CHO 18-72
   Funding Agency: HEW, DOL, BIA
   Amount of Funding: $85,141/3 months (allocated)
   Program Year: FY 1972 (3-month program)
   Purpose: To provide 40 Choctaw trainees with basic skills in the various construction trades to prepare them for employment by the Chata Development Company.

   b. Title: Emergency Employment Act
   Tribal Council Authorization: Resolution CHO 28-72
   Funding Agency: DOL
   Amount of Funding: $182,892/2 years (allocated)
   Program Year: FY 1972, 1973 (24-month program)
   Purpose: To provide 15 Choctaws with Public Service Employment with the Tribal Government in jobs which contribute to the development of the Choctaw Reservation

   c. Title: New Careers Job Development and Training Program
   Tribal Council Authorization: Resolution to be adopted prior to September 1, 1972
   Funding Agency: DOL
   Amount of Funding: $255,000/15 months (committed)
   Program Year: FY 1972, 1973, 1974; (27-month program)
   Purpose: To enable 40 Choctaw enrollees to receive college credit instruction and specialized OJT while they work with designated Public Agencies in training

for a guaranteed job with these agencies after the two-year program

d. Title: Vocational-Technical Program
Tribal Council Authorization: Resolution CHO 18-72
Funding Agency: DOL
Amount of Funding: $700,000 (estimate)
Program Year: FY 1976 (single purpose grant)
Purpose: To provide vocational-technical education and training to high school dropouts and adult level trainees keyed to the industrial and technical job demand in the reservation area

e. Title: Career Education Program
Tribal Council Authorization: Resolution CHO 18-72
Funding Agency: BIA
Amount of Funding: $30,000 (committed)
Program Year: FY 1974 (planning grant)
Purpose: To develop a K-12 school program designed to prepare Choctaw students to make intelligent career choices and to select high school course work keyed to their chosen occupations for implementation in the Choctaw School System.

2. Education

a. Title: Choctaw Adult Education Program
Tribal Council Authorization: Resolution CHO 15-72, CHO 17-72
Funding Agency: BIA, HEW
Amount of Funding: $124,500/1 year (allocated)
Program Year: FY 1972, 1973 ($250,000 budget for 2 years)
Purpose: To provide Choctaw adults a chance to increase their accredited educational level and their knowledge of how to avoid financial and consumer problems

b. Title: Pilot Project to Establish a Certified Choctaw School Board
Tribal Council Authorization: Resolution CHO 18-72
Funding Agency: BIA
Amount of Funding: $45,000/1 year (committed)
Program Year: FY 1972, 1973 (1-year program)
Purpose: To enable the Choctaw people to establish a Choctaw School Board to operate the Choctaw School System and Tribal Educational Programs

c. Title: Choctaw Home-Centered Family Education Demonstration Project
Tribal Council Authorization: Resolution CHO 56-72
Funding Agency: HEW

Amount of Funding: $129,000/1 year (allocated)
Program Year: FY 1973, 1974, 1975, 1976, 1977 (4-year program; $615,000 targeted for 4-year budget)
Purpose: To equip Choctaw parents with the skills they need to stimulate the cognitive development of their young children at home in a scheduled, yet informal manner

3. Health Services and Community Development

   a. Title: Choctaw Adult Corrections Center
   Tribal Council Authorization: Resolution CHO 76-72
   Funding Agency: LEAA
   Amount of Funding: $113,562 (allocated)
   Program Year: FY 1973 (single-purpose grant)
   Purpose: To fund the construction of a consolidated court room, jail, work-release dormitory, police station and alcoholism counseling center on the Choctaw Reservation

   b. Title: Choctaw Mental Health Program
   Tribal Council Authorization: Resolution CHO 18-72
   Funding Agency: HEW
   Amount of Funding: $48,000 (committed)
   Program Year: FY 1972 (planning grant)
   Purpose: To develop and establish a comprehensive mental health program designed to coordinate with other health and community development programs on the reservation to provide the Choctaw people with preventive mental health care, crisis intervention, counseling and follow-up

   c. Title: Choctaw Alcoholism Demonstration Project
   Tribal Council Authorization: Resolution CHO 78-72
   Funding Agency: HEW
   Amount of Funding: $181,279/1 year (requested; no commitment)
   Program Year: FY 1973, 1974 (2-year program)
   Purpose: To establish a prevention-information-education-rehabilitation, alcoholism and community development program which provides for the administration of all Tribal outreach programs through a single entry system

   d. Title: National Health Service Corp Program
   Tribal Council Authorization: Resolution CHO 75-72
   Funding Agency: HEW
   Amount of Funding: $80,000/2 years (allocated)
   [value of personnel and equipment supplied presented in terms of dollars]
   Program Year: FY 1973, 1974, 1975 (2-year program)
   Purpose: To secure the on-site service of two

Registered Nurses and a Health Educator on the Choctaw Reservation for two years--with vehicle and expenses supplied

e. Title: Choctaw Service Unit, Indian Health Service, Evaluation Services
Tribal Council Authorization: Resolution CHO 77-72
Funding Agency: HEW
Amount of Funding: $15,000 (allocated)
Program Year: FY 1972, 1973
Purpose: To pay the Tribe to evaluate the Choctaw Service Unit, IHS, vis a' vis administrative and service delivery systems

f. Title: Mennonite Volunteer Service Unit (not administered by Tribal Government)
Tribal Council Authorization; Not applicable
Funding Agency: Mennonite Services/Board of Missions
Amount of Funding: $50,000/2 years (committed)
[value of personnel supplied presented in terms of dollars]
Program Year: FY 1973, 1974, 1975 (2-year program)
Purpose: To secure the on-site services of 2 or 3 volunteers (professionals) at no cost to the Tribe for 2 years

g. Title: Early Childhood Development Program
Tribal Council Authorization: Resolution CHO 64-72
Funding Agency: Appalachian Regional Council; HEW
Amount of Funding: $85,000/1 year (allocated)
Program Year: FY 1973 (1-year program)
Purpose: To provide specialized outreach and health services to isolated Choctaw families in (Appalachian Region) counties bordering the Choctaw Reservation.

4. Community Services and Youth Development Program

a. Title: Youth Opportunity Program
Tribal Council Authorization: Resolution CHO 80-72
Funding Agency: BIA
Amount of Funding: $25,000/2 months (allocated)
Program Year: FY 1972, 1973 (2-month program)
Purpose: To provide paid community service oriented work experiences for Choctaw students

b. Title: Youth Development Center Program
Tribal Council Authorization: Resolution CHO 84-72
Funding Agency: LEAA; HEW
Amount of Funding: $70,714/1 year (allocated)
Program Year: FY 1973 (to be an on-going program)
Purpose: To provide counseling to Choctaw young people

who exhibit anti-social behavior to the degree that it presents a problem to themselves, their family or the community; to provide a rehabilitation alternative to placement in a state training school

c. Title: Choctaw Consumer Cooperative Enterprise
Tribal Council Authorization: Resolution CHO 51-72
Funding Agency: OEO
Amount of Funding: $25,000 (allocated)
Program Year: FY 1972 (single-purpose grant)
Purpose: To fund the establishment (facilities, initial stock and training) of a Tribal Cooperative Grocery Store and gas station on the Reservation

d. Title: Conehatta Community Facility Building
Tribal Council Authorization: Resolution CHO 42-72
Funding Agency: EDA
Amount of Funding: $289,725 (allocated)
Program Year: FY 1972, 1973 (single-purpose grant)
Purpose: To fund the construction of a multi-purpose Community Facility Building in the Conehatta Indian Community to serve as a center for Tribal development efforts in this community

e. Title: Swimming Pool and Recreational Program
Tribal Council Authorization: Resolution CHO 59-72
Funding Agency: BOR; OEO; BIA; IHS; Tribe
Amount of Funding: $167,271 (committed)
Program Year: FY 1972, 1973 (single-purpose grant)
Purpose: To fund the construction and initial maintenance of a community swimming pool adjacent to the Choctaw Central High School

f. Title: Choctaw Legal Services Program
Tribal Council Authorization: Resolution CHO 26-72
Funding Agency: Campaign for Human Development (proposal also submitted to OEO)
Amount of Funding: $67,000/1 year (allocated)
Program Year: FY 1973 (1-year program)
Purpose: To provide indigent Choctaw people free, legal representation and advice on the Reservation

g. Title: Bogue Chitto Community Facility Building
Tribal Council Authorization: Resolution CHO 46-72
Funding Agency: EDA; HUD
Amount of Funding: $280,000 (committed)
Program Year: FY 1973, 1974 (single-purpose grant)
Purpose: To fund the construction of a multi-purpose community facility building in the Bogue Chitto Indian Community to serve as a center for Tribal development efforts in this community.

5. a. Title: Economic Development Assistance
Tribal Council Authorization: Resolution CHO 18-72
Funding Agency: EDA
Amount of Funding: $30,000/1 year (committed)
Program Year: FY 1972, 1973 (12-month program)
Purpose: To fund the Tribe to employ an Economic and Industrial Development Specialist and Choctaw Trainee to join the Center CSD Planning Staff.

b. Title: Choctaw Ambulance Service
Tribal Council Authoriz[illegible] Resolution CHO 18-72
Funding Agency: HEW
Amount of Funding: $80,000 - $100,000/1 year (committed)
Program Year: FY 1973, 1974 (to be a continuous program)
Purpose: To fund the operation of a Tribally operated 24-hour ambulance service by contract to the Choctaw Service Unit, IHS, to serve the Choctaw people.

c. Title: Choctaw Arts and Crafts Program
Tribal Council Authorization: Expected by September 1, 1972
Funding Agency: Mississippi Arts Commission
Amount of Funding: $12,000/3 years (committed)
Program Year: FY 1973, 1974, 1975, 1966 (3-year grant)
Purpose: To provide funds to support the salary of a Tribal Business Enterprise Manager to develop and administer a new Choctaw Arts and Crafts Program

In sum, year one of the Choctaw Self-Determination Project has witnessed the procurement of substantial additional program resources (including Facilities Construction Grants) for the Choctaw Reservation, over and above funds which were committed or expected (for use during FY 1972, 1973 or later) prior to the implementaton of this project. The funds secured to date are distributed over time as follows:

FY 1972: Portion of FY 1972 budget secured (during FY 1972) by the Choctaw Tribal Government over and above expected budget for FY 1972: approximately $ 520,000

FY 1973: Portion of FY 1973 budget secured (during FY 1972) by the Choctaw Tribal Government over and above expected budget for FY 1973: approximately $1,800,000

Projection: Funds secured (during FY 1972) by the Choctaw Tribal Government for Post FY 1973 Program utilization: $ 810,000

Total: Program and Facilities Construction funds secured by the Choctaw Tribal Government (during FY 1972) over and above expected budgets for Post FY 1971 program utilization: approximately $3,130,000

VI. ECONOMIC DEVELOPMENT

During FY 1972, the Choctaw Tribal Government has contributed to the Economic Development of the Choctaw Reservation through various means. The bulk of their energies have been directed toward

1. Achieving a comprehensive reorganization of all Tribal Government structures and processes.

2. Securing program resources to deal with the most critical human problems of the Choctaw Reservation.

These priorities were outlined in the Year 1 Work Program of the Choctaw Self-Determination Project (see page 16 of this report).

Inputs into the economic development of the reservation during FY 1972 varied substantially in form, scope and level.

It should be noted that the Tribe's attempt to develop the Choctaw Reservation is demonstrably assisted by the existence of its Tribal Development Company and Housing Authority. The existence of these entities has enabled the Tribe to

1. Attract resources which otherwise could not be secured.

2. Administer these resources more efficiently.

3. Recirculate the "outside" dollars it secures for application to Reservation problems within the Reservation and among the Choctaw people.

In sum, their existence enables the Tribe to increase the developmental impact of the resources it secures for use on the Reservation. The importance of these factors will increase as the Choctaw Utility Commission, the Choctaw Consumer Cooperative Enterprise and other Tribal Government instrumentalities become fully operational. A breakdown of the major actions initiated by the Tribal Government and Tribal instrumentalities during the past year is presented below.

A. The Chata Development Company

The Chata Development Company is an Indian-owned, non-profit, state-chartered reservation development company which acts (through its trade name of Choctaw Construction Enterprise) as the construction arm of the Choctaw Tribal Government. The Chata Development Company was established on February 16, 1970, following the passage of Tribal Council Resolution CHO 55-69 (April 8, 1969). Mr. Phillip Martin, Chairman of the Tribal Council served as Chairman of the Chata Development Company Board during FY 1972.

During this year, Chata Development Company/Choctaw Construction Enterprise

1. Coordinated the construction of a fully equipped Choctaw Industrial Park (see Figure H). This Park was funded by the Economic Development Administration by contract to the Chata Development Company for $606,000 on April 17, 1971. The 30-acre park is scheduled for completion by January 1, 1972.

2. Contracted with the Tribe on April 26, 1972, and on May 18, 1972, for the repair of 20 Tribal houses. The Chata Development Company did $72,200 worth of housing repair work for the Tribe during FY 1972.

3. Completed construction contracted with the U.S. Public Health Service on June 23, 1971, to construct a $51,400 addition to the Choctaw Service Unit Hospital. This construction was completed on December 14, 1971.

4. Contracted with the U.S. Public Health Service on October 29, 1971, to construct a $140,717 Field Health Clinic in the Red Water Community, Choctaw Reservation.

5. Contracted with the Choctaw Housing Authority on July 14, 1971, for $696,772 to construct 50 units of housing on the Choctaw Reservation (completed February 14, 1972).

6. Contracted with the Tribe on February 22, 1972, for $259,915 to construct a Community Facility Building in the Conehatta Community, Choctaw Reservation.

7. Sponsored during March, April, May of 1972, Phase 1 of an HEW, DOL, BIA funded Construction Skills Training Program for 40 Choctaws in cooperation with the AFL-CIO Appalachian Regional Council. The Chata Development Company is now working with the Tribal Chairman and the Bureau of Apprenticeship Training to implement Phase 2 of this program.

8. Supervised during February - May of 1972, the construction of the Choctaw Consumer Cooperative Enterprise Facility by the participants in the Construction Skills Training Program.

9. Contracted with the Choctaw Housing Authority on August 3, 1972, for $1,027,489 to construct 60 units of housing on the Choctaw Reservation (completion targeted for August 1, 1973).

10. Has agreed to contract with the Tribe during FY 1973 for the construction of (a) the Law Enforcement Assistance Administration funded Choctaw Adult Corrections Center ($113,562), (b) a proposed Choctaw Tribal Government Office Building and (c) the Bogue Chitto Community Facility ($280,000).

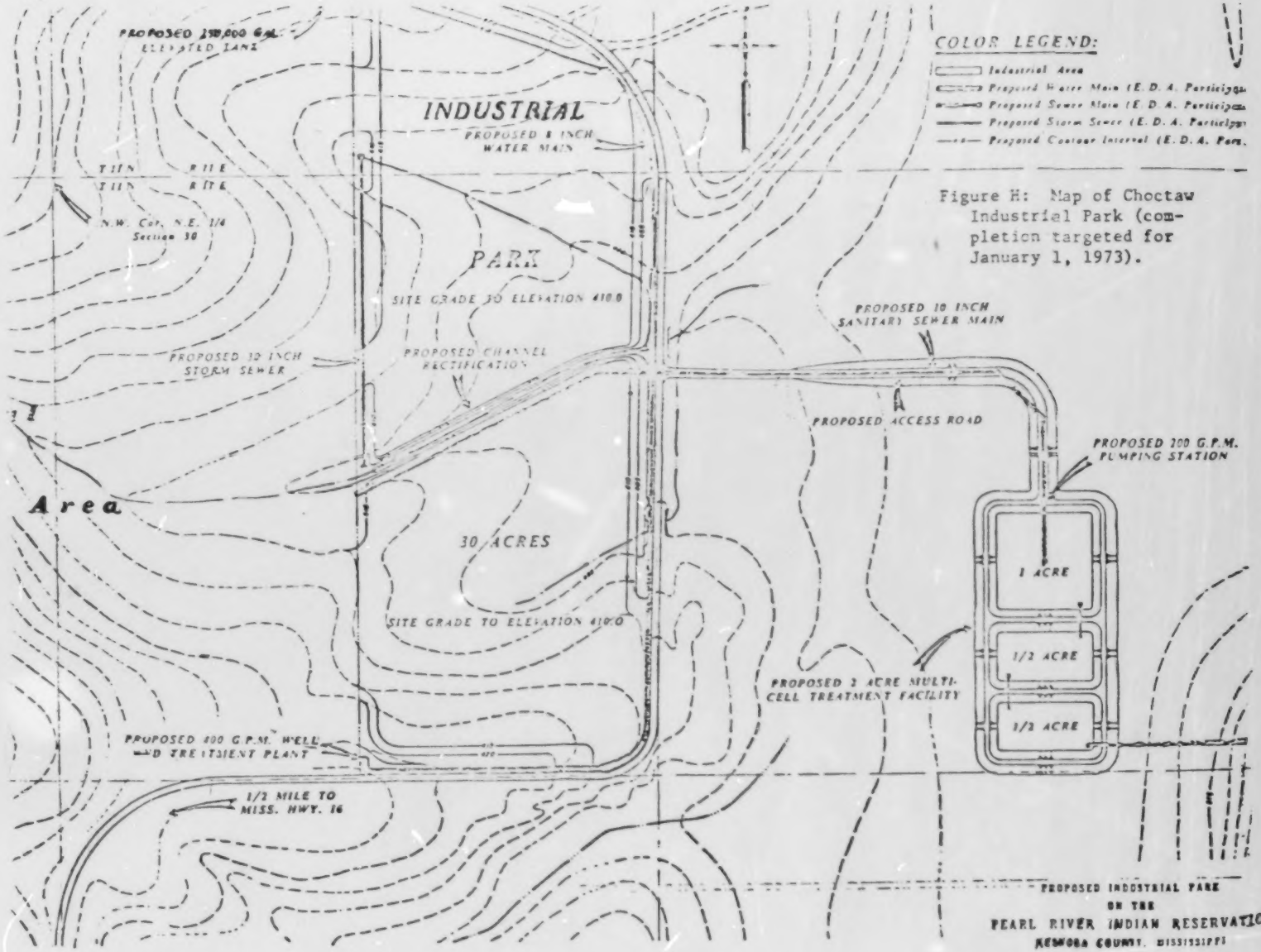

Figure H: Map of Choctaw Industrial Park (completion targeted for January 1, 1973).

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B. The Choctaw Housing Authority

The Choctaw Housing Authority is a Tribal Housing Authority established by joint action of the Tribal Council and the Choctaw people at large (the General Council) during 1964 and 1965.

On February 18, 1971, the Housing Authority negotiated Project Miss.-92-3, its third housing contract with the U.S. Department of Housing and Urban Development. This was the largest housing contract handled by the Housing Authority to date and was developed to provide funds for the construction of 200 housing units on the Choctaw Reservation.

On July 14, 1971, the Housing Authority granted the construction contract for the first phase of Project Miss.-92-3 (50 houses) to the Chata Development Company. These houses were completed on February 4, 1972.

The Housing Authority awarded the Phase 2 construction contract for Project Miss.-92-3 (60 houses) to the Chata Development Company on August 2, 1972. These houses are scheduled for completion by August 1, 1973. Phase 3 (90 houses) is scheduled for negotiation and construction during FY 1974.

C. The Choctaw Tribal Government Administration

During Fiscal Year 1972, the Tribal Chairman and Center CSD Planning Staff have taken the following action to support the economic development of the Choctaw Reservation:

1. During September of 1971, the Planning Staff conducted a detailed labor survey of the Choctaw Reservation which documented an unemployment rate of 28% (275/1000 man work force) and recorded the work experience and educational levels of those surveyed.

2. Between March and July of 1972, the Planning Staff developed a farm management plan and administrative structure for the Choctaw Land Enterprise/Swine Production Operation. This plan was adopted and implemented by the Tribal Land Enterprise Committee on July 19, 1972. This action is expected to transform the Swine Production Operation from a resource consuming to a resource producing enterprise during FY 1973 (as of July 1, 1971, it was $12,600 in debt, and some $43,119 in assets had been liquidated to support its operation during FY 1971).

3. Throughout the previous year, the Tribe established contact with the Governor of Mississippi and his staff to discuss the means through which a proposed tourism industry could be developed in a manner which would be mutually

beneficial for the State and the Tribe. These talks have not produced firm commitments to date, but served to open options which were not available to the Tribe in years past. At this point, preliminary discussions are underway vis a' vis the tourism potential of

a. The Nanih Waiya Mound area (the legendary birth place of the Choctaw people; this site was once a state park but has recently been reclassified as an official historical site). This site is about 10 miles from the Choctaw Reservation, Bogue Chitto Community.

b. The proposed Pearl River Basin Development Project, which includes the widening of the Pearl River and the construction of a 12,600-acre reservoir which will border the Choctaw Reservation.

c. The development of Roosevelt State Park, a scenic area adjacent to Interstate 55 which traverses Mississippi from east to west. Roosevelt State Park is 22 miles from the Choctaw Reservation (Conehatta Community).

d. The Natchez Trace Parkway/Ross Barnett Reservoir area, which is some distance from the Choctaw Reservation (80 miles) but which offers numerous opportunities for mutually beneficial tourist development.

e. A Pilot Tourism Project on the Choctaw Reservation, Pearl River Community, which would serve to introduce the Choctaw people to the problems and prospects attendant to Tribal participation in various tourism enterprises.

4. During FY 1972, the Tribal Chairman and Planning Staff secured commitments for several major facilities construction projects, many of which have been and/or will be constructed by the Chata Development Company/Choctaw Construction Enterprise.

a. The Economic Development Administration funded the Conehatta Community Facility Building ($289,915) which is now under construction by the Choctaw Construction Enterprise and committed with HUD to fund a comparable facility in the Bogue Chitto Community.

b. The Law Enforcement Assistance Administration funded the Choctaw Adult Corrections Center ($98,750) to be constructed by the Choctaw Construction Enterprise following award of the construction contract by the Tribal Council before November of 1972.

c. The Governor's Office of Education and Training has committed itself to seek funds for the operation of a Choctaw Vocational-Technical Program (approximately $700,000) during FY 1976.

d. The U.S. Congress, through the U.S. Public Health Service, has granted a $240,000 planning grant to lay groundwork for the construction of a 4.5 million dollar medical facility on the Choctaw Reservation during FY 1974. The Chata Development Company will contract to construct a substantial portion of this facility.

5. The Tribal Chairman and Planning Staff initiated negotiations with United Gas, Inc., to secure a natural gas line to serve the Choctaw Reservation and Industrial Park. These negotiations are still in progress.

6. The Chairman and Planning Staff worked together to establish the Choctaw Consumer Cooperative Enterprise. This Enterprise operates a combination grocery market and gas station which will generate revenue for the Tribe and offer the Choctaw people (Pearl River Community particularly) with a convenient source of high quality, reasonably-priced foodstuffs. Negotiations were concluded on July 28, 1972, with a memorandum of agreement between the Choctaw Agency, BIA, and the Tribe which will ensure that all Agency GSA vehicles and BIA school buses will purchase their gasoline from the Cooperative Store. During June of 1972, the Choctaw Agency, BIA, Social Services Department transferred its food purchase account (some $500/month) from a Philadelphia supermarket (non-Indian owned) to the Cooperative Enterprise.

7. For the first time in its 23-year history, the annual Choctaw Indian Fair was coordinated by the Choctaw Tribe (instead of the Choctaw Agency, BIA). During FY 1972, the Tribal Council, through its Choctaw Fair Committee, worked (with the assistance of numerous volunteers) to plan and coordinate the Fair. It took place July 18-22, and generated income for the Tribe. The FY 1973 Fair will be planned and managed by a Tribal Crafts and Fair enterprise manager.

8. The Tribal Chairman and Planning Staff did some work toward attracting various industries to the Choctaw Reservation. Among those industries with which the Council held preliminary negotiations during FY 1972 were a shoe factory, terrazzo tile factory, ring factory, fishing lure factory, machine parts factory, electric motor factory, several pre-fabricated housing module manufacturers, metal works factory, garment industry, and a cement production

and delivery operation. Several of these prospects have definitely been ruled out by the Tribe and others have terminated negotiations on their own. However, several of these industries remain active prospects for the Choctaw Industrial Park and research is now in process to establish a Tribal maintenance and repair shop to handle all such work for BIA and GSA vehicles in this area by contract.

9. In support of the Tribe's industrial/tourist development objectives, a detailed Tribal brochure has been developed. This brochure, entitled "The Mississippi Band of Choctaw Indians--An Era of Change," introduces the reader to the Tribe's culture, history, recent growth, current problems and prospects for development. The brochure is a 28-page long, 5-color, 8 1/2' x 11' publication, and is designed for general public relations usage. The brochure will also serve as a supplement to the Tribe's industrial brochure when developed.

10. All of the new (short-run) programs discussed in Section V to this report will contribute indirectly to the long-run economic development of the Choctaw Reservation via the payroll and employment they bring into the reservation area. Most of these programs will also directly contribute to the long-run development of the reservation (a) via the impact of their resources upon the problems toward which they are directed and (b) through the major output they will produce: a better trained, better educated, healthier, and more adaptable Choctaw labor force.

11. Similarly, the Tribe has taken advantage of numerous training and workshop conferences so as to increase the knowledge and skills of Tribal employees. During FY 1972, 68 Choctaw Tribal employees attended 42 training conferences across the U.S.; however, following analysis of the training offered at these conferences, the Tribal Chairman and Center CSD Planning Staff have concluded that such training can be offered more effectively and less expensively on the Choctaw Reservation with instruction keyed specifically to the Tribe's developmental problems and governmental system.

12. One of more significant actions by the Tribal Government during FY 1972 with respect to Economic Development was the development and adoption of "A Plan for the Choctaw Center for Strategic Planning: A Means of Accelerating Choctaw Self-Determination."

    This plan is an extension of the original OEO funded self-determination project. It outlines a means by which the Tribe hopes to secure the short-term services of

skilled professionals in a wide range of fields who are to lay a solid foundation to support the development of the Choctaw Reservation. The Tribe has reached the point in its development where specialized technical assistance (answerable to the Tribal Council) which is beyond the capabilities of its present planning staff is necessary to ensure its continued development, e.g., urban planning, industrial development, educational planning. These professionals (who will train Choctaw understudies) will assist the Tribal Council in the development of a comprehensive reservation development plan comparable to the Tribal Government Reorganization Plan developed by the Tribal Chairman and the Center CSD Planning Staff during FY 1972.

Funds to support two components in this plan have been secured for FY 1972: An Educational Planner, trainee and secretary have been secured from the Bureau of Indian Affairs through the "Pilot Project to Establish a Choctaw Contract School Board" Proposal ($45,000); and an Economic/Industrial Development Planner and trainee have been secured from the Economic Development Administration ($30,000). These programs were discussed in Section V of this report.

VII. CHOCTAW SELF-DETERMINATION AND TRIBAL-FEDERAL-STATE RELATIONS: FY 1972

A. Choctaw Self-Determination and the Federal Government: National Level

As was noted in the preface to this report, the Federal Government has theoretically been committed to the policy of Indian Self-Determination for at least the past 38 years. This commitment had been substantially solidified by the inception of the Choctaw Self-Determination Project on July 1, 1971, and it has become even more firmly solidified during FY 1972 as a result of several key Federal executive and legislative actions.

One of the most significant of these was the decision of the Secretary of the Interior to extend the Bureau of Indian Affairs' policy of Indian preference for employment to apply to all vacancies in the BIA whether they are filled by initial appointment, promotion, or reinstatement. This new policy, announced on June 23, 1972, will enable the Choctaw Tribal Government to more rapidly achieve its long-run developmental objectives by assisting the Tribe (1) to more rapidly increase the number of Tribal members who are employed by the Choctaw Agency, BIA, and (2) to more systematically gain administrative and contractural authority over all resources now administered by the BIA on the Choctaw Reservation.

Another set of legislative actions which occurred during the past year provided for increased participation by Indian Tribal Governments under Federal funding and development legislation in the same manner as other units of state and local government. When these acts are implemented, they will directly support the achievement of the Choctaw Tribal Government's development objectives.

Certain of these legislative provisions were introduced following communication from the Choctaw Tribal Government. Representative examples follow:

- o On April 27, 1972, a Senate Amendment to H.R. 12931, The Rural Development Act of 1972, was issued which specifically provides for the participation of "Indian tribes on Federal and state reservations and other Federally-recognized Indian tribal groups" in all developmental programs outlined in this bill. Provision for such tribal participation was not included in the original House version. The Senate Amendment was submitted as a result of contact from the Choctaw Tribal Government.

- o On July 25, 1972, Senate Amendment 1357 to H.R. 14370, The Revenue-Sharing Bill, was issued by the Senate Finance Committee. This amendment provides for the participation of Indian tribal governments under H.R. 14370 on the same terms as other state and local units of government. Provision for such tribal participation was not included in the original House version. Senate Amendment 1357 was submitted as a result of contact made on behalf of the Mississippi Band of Choctaw Indians and other tribes.

Similarly, on January 31, 1972, Mr. Phillip Martin, Tribal Chairman, issued a statement to a meeting of Federal agency representatives which was sponsored by the National Council on Indian Opportunity in Washington, D.C. At this meeting, Mr. Martin pointed out some Federal procedural and regulatory guidelines which hinder an Indian tribe's ability to secure assistance under most Federal funding and development programs.

Among the factors the Tribal Chairman identified were

(1) The inflexibility of program guidelines which often prohibits a tribe from using grant resources to deal with its most pressing problems in the most effective manner.

(2) The matching funds requirements which most Federal programs include as a precondition to participation.

(3) The need to see more consortium funding efforts by various Federal agencies so that their funds can be channeled

to Indian reservations as a unit rather than as individual packages.

In this regard, agreements have been negotiated by the Choctaw Tribal Government and Center CSD Planning Staff during FY 1972 with several Federal agencies involving

(1) The waiver of certain matching funds requirements (EDA, LEAA, OEO, HEW).

(2) The acceptance of innovative types of in-kind contributions to meet certain matching requirements (HEW).

(3) The joint funding of certain projects by two agencies with each supplying the matching funds requirements of the other (HUD, EDA).

(4) The consortium funding of certain projects by various Federal agencies (BIA, HEW, DOL, EDA, HUD, LEAA).

(5) The allocation of direct impact, single-purpose grants for application to special problems on a particular reservation (OEO, BIA).

However, perhaps the most flexible, long-range Federal agency response to Indian problems to date has come from the U.S. Office of Economic Opportunity through the Indian Self-Determination Grant Program under which the Choctaw Self-Determination Project is funded.

This approach enables an Indian tribal government to channel such program resources into the areas it determines will contribute most significantly to the development of the tribe and allows the tribe to control the administration of these resources to a degree and with a flexibility which no other Federal programs allow.

In sum, FY 1972 has witnessed an increasingly positive commitment by the Federal government to the policy of Indian Self-Determination; and it is clear that OEO's example has contributed to a growing willingness in other Federal agencies to respond with flexibility to the unique developmental problems faced by Indian tribal governments. This phenomenon is evidenced by the response of such Federal agencies to Choctaw requests for funding support during the past year (see Section V, B, of this report).

B. Choctaw Self-Determination and the Federal Government: Reservation Level

1. The Choctaw Agency, Bureau of Indian Affairs

The positive response of the Federal government to the

policy of Indian Self-Determination has, unfortunately, not produced a corresponding commitment to support and implement this policy at the Choctaw Agency, BIA, level. Indeed, an accurate record of FY 1972 (and the years preceding it) must acknowledge the wholesale commitment of Federal resources by the Choctaw Agency Superintendent in direct opposition to this policy.

More specifically, as the Tribal Council noted in Resolution CHO 141-72: "A Resolution Requesting Immediate Transfer of the Superintendent, Choctaw Agency, BIA" (dated May 30, 1972), "During the past four years, the current Superintendent has proved unable to accept and implement the new direction of Federal Indian programs, or the stated goals of the Choctaw Tribal Council, and has continued a paternalistic approach to the Choctaw Tribal Council and [has continued] to manipulate Federal resources to frustrate the effective growth of the Council as it has sought to exercise its legitimate powers of self-government and, thereby, has directly impeded the long-range self-development of the Choctaw Tribe."

In response to this Tribal Council resolution and evidence presented by the Choctaw Tribal Chairman, the Commissioner, Bureau of Indian Affairs, reiterated the BIA's support for Indian Self-Determination by ordering the transfer of the Choctaw Agency Superintendent from the Choctaw Reservation. This Superintendent's transfer on July 17, 1972, signaled an end to management of the Choctaw Reservation by the Bureau of Indian Affairs. The Tribe is now actively working to secure the appointment of a Mississippi Choctaw to the Superintendent position.

Equally important is the fact that this action marks the beginning of a cooperative approach to development of the Choctaw Reservation in which the expertise of BIA employees can now be tapped by the Choctaw Tribal Government. During FY 1972, Choctaw Agency employees were largely prohibited by the Agency Superintendent from assisting the Tribal Government and the Center CSD Planning Staff.

This change should contribute significantly to the Tribe's long-run development effort since

(1) BIA resources can now be brought to bear upon reservation problems in accordance with tribal priorities.

(2) BIA and Tribal staff time, which was previously absorbed by inter-agency friction (produced by the former Agency Superintendent's unwillingness to support the tribe's development efforts), can now be jointly expended to further development of the reservation.

(3) The Choctaw Tribal Government will now be able to more rapidly and systematically assume control of all resources now administered by the BIA on the Choctaw Reservation.

With respect to the third reason listed above, it should be noted that the groundwork for this transition of control was being established some years prior to the removal of this Agency Superintendent (e.g. the establishment of the Choctaw Housing Authority [1965] and the Chata Development Company [1970], etc.).

The Choctaw Tribal Government has extended this groundwork throughout FY 1972 despite strenuous Choctaw Agency opposition; and, Chapters IV and V of this report testify to the success with which the tribe was able to overcome this resistance. Some specific examples of tribally-initiated or supported actions which produced an increase in tribal control of Choctaw Agency resources or an increase in tribal influence over the Choctaw Agency system during the past year are listed below:

(1) Tribal Council Resolution CHO 17-72 (dated August 16, 1971) registered the Council's intent to contract for the operation of the Choctaw Agency's Adult Education Program. The tribe assumed control over this program on July 1, 1972, and expanded it with funds secured from the U.S. Department of Health, Education and Welfare.

(2) The Central Office, BIA, committed itself (on June 8, 1972) to fund the Pilot Project to Establish a Certified Choctaw School Board. Upon completion of this project in September of 1973, the Choctaw School Board will be in a position to implement a scheduled assumption of administrative and policy-making authority over the Choctaw School System and Tribal education programs (see Figure F7).

(3) FY 1972 saw the appointment of Mississippi Choctaws to key positions within the Choctaw School System. For the first time, both the Director of the Title I component within the School System and the Principal of Choctaw Central High School are Mississippi Choctaws. They are the first local Choctaws to hold administrative positions of this level within the Choctaw School System.

(4) On January 12, 1972, the tribe negotiated a use permit between the Choctaw Agency and the tribe so that the tribe could use two, 1-ton, 1971 Ford Model F350 refuse packers, in a tribally-operated solid waste, pick up and disposal operation. This operation will

be administered by the Choctaw Utility Commission.

(5) During June of 1972, the Choctaw Agency, BIA, Social Services Department transferred its food purchase account (some $500/month) from a Philadelphia supermarket (non-Indian owned) to the Choctaw Consumer Cooperative Enterprise; on July 28, 1972, a memorandum of agreement between the Choctaw Agency and the tribe was drawn up to insure that all Agency GSA vehicles will purchase their gasoline from the Cooperative Enterprise Store.

(6) Looking ahead to Fiscal Year 1974, the Choctaw Tribal Council adopted Resolution CHO 48-72 (dated November 12, 1971) which requested "the Superintendent, Choctaw Agency, Bureau of Indian Affairs, to structure the program planning memorandum for FY 1974 so as to provide for a direct grant to the Tribal Council during Fiscal Year 1974 of $300,000 for the purpose of strengthening the management, planning, training and career development components of the Tribal administrative structure in support of the Tribe's Self-Determination objectives and in accordance with the Commissioner's, Bureau of Indian Affairs, expressed support thereof." To date there has been no response from the Central Office, BIA, to this request.

It should be noted at this point that Mr. Louis Bruce, Commissioner, BIA, and the BIA Central Office have clearly and consistently demonstrated their commitment to Choctaw Self-Determination during the past year;[16] and the tribe anticipates a positive response to Resolution CHO 48-72 from the Commissioner's Office.

2. The Choctaw Service Unit, Indian Health Service

In contrast to the response of the Choctaw Agency, BIA, the Choctaw Service Unit, Indian Health Service, has reacted quite positively to the tribe's commitment to Self-Determination. This disparity should not be surprising since the role of the Indian Health Service has historically been one of service while the principle function of the Bureau of Indian Affairs has traditionally been that of reservation management.

Consequently, while there exists a substantial disparity

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[16]During FY 1972 the Central Office, BIA, has supported the Choctaw Tribal Government's efforts both through extra funding support (over and above Choctaw Agency allocations) to the tribe in various grants and contracts and through the implementation of several key action requests.

between Central Office BIA policy and Choctaw Agency, BIA, action, there is little variance between Choctaw Service Unit, IHS, action and Central Office IHS policy.

In this regard, the Choctaw Service Unit, IHS, has consistently supported Choctaw Self-Determination during FY 1972. For this reason, the most realistic means of indicating the response of the Choctaw Service Unit, IHS, to Choctaw Self-Determination during FY 1972, is to list some of the more significant Tribally-initiated or supported actions implemented by the IHS on the Choctaw Reservation this year:

(1) During FY 1972, a Mississippi Choctaw, was appointed as Director of the Choctaw Service Unit, IHS. This landmark appointment should contribute to a more rapid and orderly absorption of Choctaw Service Unit functions by the Choctaw Tribal Government.

(2) On March 12, 1972, the Choctaw Tribal Government negotiated a $15,000 contract with the Indian Health Service to fund a tribal evaluation of the Choctaw Service Unit's administrative and service delivery systems. This evaluation will establish groundwork upon which the IHS can restructure the Choctaw Service Unit in accordance with tribal priorities.

(3) During FY 1972, IHS agreed to permanently assign a Sanitary Engineer to the Choctaw Service Unit, Environmental Health Division (to be on duty prior to October of 1972). The IHS has also agreed to move the Choctaw Service Unit, Environmental Health Division, (from the Service Unit Hospital in Philadelphia, Mississippi) to the Choctaw Reservation so that its personnel can operate in closer coordination with the Choctaw tribal government and to facilitate the contractual acquisition of this division by the tribe.

(4) Throughout FY 1972, the Choctaw Service Unit has not had access to reliable ambulance service; consequently, the Choctaw Tribal Government submitted a proposal to IHS on October 18, 1971, outlining the tribe's intent to contract for the provision of taxi and ambulance service for the Service Unit. In response to this request, IHS allocated $80,000 in their FY 1973 budget to support the operation of these services. Negotiations are now in process to accomplish the provision of one or both of these services by the tribe.

(5) During June of 1972, the Center CSD Planning Staff began preparation of a proposed New Careers Job Development and Training Program scheduled for implementation

on the reservation from FY 1973 - 1975. This program requires participation by the Choctaw Agency, BIA, and the Choctaw Service Unit, IHS. To date, BIA response has been limited while the Choctaw Service Unit's commitment to participate has been overwhelmingly positive. IHS support for this program has been so substantial that the Service Unit may be able to train and employ some 30 Choctaw enrollees under its provisions.

(6) On January 5, 1972, the IHS funded the development of a 3-phase plan for the establishment of a tribal solid waste collection and disposal operation designed to serve the Choctaw communities. This plan also outlined an organizational structure and operating procedures for a Tribal Utility Commission. The study will be completed by September 1, 1972.

(7) Anticipating the need for tribal funds during FY 1974, the Choctaw Tribal Council adopted Resolution CHO 43-72 (dated November 12, 1971) which requested "the Director, Indian Health Service, to allocate $200,000 from the program planning budget for FY 1974 to the Tribal Council for the purpose of strengthening the management, planning, training, and career development components of the Tribal Administrative structure in support of our Self-Determination objectives as they relate to Health Service." To date, however, there has been no response from the Central Office IHS to this request.

(8) The Choctaw Service Unit has consistently supported the tribe's reservation development effort during FY 1972 with funding as well as technical assistance (over and above the hospital, medical, and environmental health services normally provided). This support has been of particular assistance to the tribe in the areas of housing and facilities construction.

C. Inter-Governmental Relations: Cooperation and Conflict

1. Economic and Community Development

As was indicated in Section II of this report, relations between the State of Mississippi and the Mississippi Choctaws have been poor since the recognition of Mississippi as a State in 1817; and, unfortunately, the formal organization of the Mississippi Band of Choctaw Indians in 1945 did not significantly alter this situation. In general, State-Tribal relationships since that date have been hampered by the following factors:

a. The State Government sanctioned attitudes of economic,

social and political discrimination and segregation toward the non-white residents of Mississippi virtually-precluded productive State-Tribal cooperation.

b. State officials have tended to view the problems of the Choctaw people as a Federal responsibility and have shown no predilection to channel State resources to the Choctaw Reservation to assist in the remediation of these problems.

c. The underdeveloped state of the reservation area tended to obscure the untapped potential for mutually beneficial State-Tribal tourist development projects offered by the Choctaw tribe.

d. The fact that the Choctaw Tribal Government has existed in name only for 11 of its 27 years contributed to the failure of most State officials to recognize that it was an entity distinct from the Choctaw Agency, BIA.

Recent years have witnessed substantial changes in these factors. Among the events which contributed to these changes are

a. The passage of the Civil Rights Act of 1964, and the establishment of the U.S. Office of Economic Opportunity in conjunction with the Federal anti-poverty, program-agency structure contributed toward a reversal of official State Government policies with respect to segregation/discrimination.

b. The substantial housing, school and community facilities construction program, which has been carried out on the Choctaw Reservation during the past decade, has focused State attention on the Choctaws and has highlighted the developmental problems and potential of the tribe.

c. The increased power, independence and assertiveness of the Choctaw Tribal Government during recent years have convinced State agencies that the Tribal Government--and not the Choctaw Agency, BIA--is the decision-making entity they must deal with on the Choctaw Reservation.

During FY 1972, the Choctaw Tribal Government has capitalized on these changes to develop a cooperative working relationship between the Tribal Government, Federal agencies, and the Office of the Governor.

On July 19, 1972, Governor William Waller sealed his initial commitments to support a comprehensive program of economic and community development on the Choctaw Reservation when he became the first Governor of the State of Mississippi to attend the annual Choctaw Indian Fair on the Choctaw Reservation. Governor Waller served as guest speaker at the official opening ceremonies for the Fair and committed State resources to assist in advertising this event.

Governor Waller's unprecedented response to tribal requests for State technical assistance has led to joint Tribal-Federal-State Government plans for the development of the Choctaw Reservation. Such inter-governmental cooperation is a new phenomenon in the State of Mississippi. Following on these verbal commitments, the Governor of Mississippi has moved

a. To appoint a Mississippi Choctaw to serve on the Mississippi State Council on Early Childhood Development representing the Choctaw Tribe.

b. To establish a position of liaison to the Mississippi Band of Choctaw Indians in the Office of the Governor and to invite the Choctaw Tribal Government to appoint a Mississippi Choctaw to fill this position.

In response to these commitments, the Choctaw Tribal Government and the Center CSD Planning Staff are now working to develop a comprehensive manpower development program tailored to the needs of the Choctaw Reservation in cooperation with the Economic Development Administration - East Central Planning and Development District; the Bureau of Indian Affairs; the Office of the Governor of Mississippi - Division of Education and Training; the State Department of Education, Division of Vocational Education; the U.S. Department of Labor and the Mississippi Employment Security Commission.

Similar planning is in process to secure industry for the tribe's Industrial Park and to develop a reservation-centered tourism industry with the assistance of the Mississippi Agriculture and Industry Board, the State Research and Development Center, the Bureau of Indian Affairs, and the Economic Development Administration - East Central Planning and Development District (see page 48 of this report).

2. Socio-Legal Problems

a. Jurisdictional Questions

During FY 1972, several significant legal questions have arisen in State and Federal Court, the disposition of which will determine the extent to which the Mississippi

Band of Choctaw Indians can survive and prosper as an entity independent from the State of Mississippi. Briefly stated, these questions follow:

(1) Is the Mississippi Band of Choctaw Indians an Indian Tribe?

(2) Are lands held in Mississippi by the United States in trust for the Mississippi Band of Choctaw Indians an Indian reservation?

(3) Are such lands "Indian Country" as defined in 18 United States Code Section 1151 with the effect that Indians therein are subject exclusively to the criminal and civil jurisdiction of the United States and of the Indian tribe with jurisdiction therein except as the Congress may expressly provide to the contrary?

(4) Does the State of Mississippi have civil and criminal jurisdiction over events which transpire on the Choctaw reservation involving Indians?

(5) Can the State of Mississippi impose a tax upon the Mississippi Band of Choctaw Indians or an instrumentality thereof?

(6) Can the State of Mississippi tax or regulate trade or transactions which occur on the Choctaw Reservation?

Questions 1, 2, and 3 arose in connection with an April 15, 1972, decision by the Mississippi Supreme Court in McMillan v. Tate, which affirmed a judgment entered against Mr. McMillan (a Choctaw Indian) by the Circuit Court of Neshoba County awarding the appellee damages for personal injuries resulting from an automobile accident occurring on lands held in trust for the Mississippi Band of Choctaws.

Mr. McMillan's original defense in Circuit Court was based upon the contention that events which transpired on the Choctaw reservation do not fall under state civil jurisdiction. This defense was a logical extention of the 1968 Circuit Court ruling (Gibson v. Barnett) which had removed the Choctaw reservation from state criminal jurisdiction (see page 11 of this report).

However, due to the manner in which this jurisdictional question was initially brought before the Circuit Court, the State Supreme Court ruled that the defendant could not assert the state's lack of jurisdiction over Indians for actions

occurring on the Choctaw reservation on technical grounds. More significant, however, was a concurring opinion issued by two of the State Supreme Court Judges in this case which expressed the view that as a consequence of the provisions of the Treaty of September 28, 1830, 7 Stat. 333, commonly known as the Treaty of Dancing Rabbit Creek: "...there are no 'Indian tribes' as such within this State; nor is there any 'Indian Country' or 'Indian reservation' within this State."

The judges further stated that the Indian Reorganization Act of 1934 (under which the Mississippi Band of Choctaw Indians was organized in 1945) was invalidly applied with respect to the Mississippi Choctaws because they were not under Federal jurisdiction at the time of its passage.

In response to this decision, the Choctaw Tribal Government initiated an in-debth study of the legal and jurisdictional questions raised, with assistance from Fried, Frank, Harris, Shriver and Kampelman, of Washington, D.C., Counsel for the Tribe; the Office of the Solicitor, U.S. Department of the Interior; the U.S. Department of Justice - U.S. Attorney, Southern District of Mississippi; and Jackson-Hinds Community Legal Services.

This intensive research effort produced the following conclusions:[17]

(1) With respect to questions 1, 2, and 3, the Choctaw Reservation in Mississippi had its origin in the Act of May 25, 1918, 40 Stat. 573, which appropriated money to enable the United States to purchase lands for Choctaw Indians in Mississippi with the Indians to eventually reimburse the United States. Subsequent appropriation acts, down to and including the Act of February 14, 1931, contained similar provisions. Since the Indians generally were unable to repay the government, the Act of June 21, 1939, 53 Stat. 851, provided that title to land purchased under the 1918 act and similar acts was to be held in trust for Indians of one-half or more Indian blood. On December 14, 1944, the Assistant Secretary of the Interior, under

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[17]A memorandum prepared by S. Bobo Dean, Attorney with Fried, Frank, Harris, Shriver and Kampelman elaborated on these briefly sketched opinions in a lengthy memorandum to the Choctaw Tribal Chairman. This memorandum later served as a base upon which James Tucker, the Assistant U.S. Attorney, Southern District of Mississippi, prepared the tribe's argument in U.S. v. State Tax Commission, et. al. which also arose during FY 1972.

authority of the 1939 act and section 7 of the Indian Reorganization Act of 1934, 25 U.S.C. Section 467, proclaimed the area held in trust to be a reservation. The Mississippi Band of Choctaw Indians adopted a constitution and bylaws under Section 16 of the Indian Reorganization Act, 25 U.S.C. Section 476. Thi constitution and bylaws was approved by the Department of the Interior on May 22, 1945.

Although the Mississippi Band is ethnically merely a remnant of the Choctaw Nation, it is vested with all the immunities and privileges of an Indian tribe. Cf., Haile v. Saunooke, 246 F.2d 293 (4th Cir. 1957), cert. denied, 355 U.S. 893 (1957); United States v. Wright, 53 F.2d 300 (4th Cir. 1931). In a line of cases beginning with Worcester v. Georgia, 6 Pet. 515 (1832), the courts have consistently recognized that Indian tribes have sovereign status and rights of self-government with which a state, absent the consent of Congress, may not interfere. Kennerly v. District Court, 400 U.S. 423 (1971); Williams v. Lee, 358 U.S. 217 (1959).

Therefore, the Choctaw reservation was validly established under the 1939 act and the Indian Reorganization Act, and it constitutes Indian country, and the Kennerly decision is applicable to it and the Mississippi Band of Choctaws. In accordance with this position, the Bureau of Indian Affairs, has, since 1968, administered a Choctaw police force and operated a Court of Indian Offenses on the reservation.

(2) As to question 4, it was concluded that the Kennerly and Williams opinions should be interpreted to provide that a state court has no subject matter jurisdiction over cases where the exercise of jurisdiction would interfere with tribal sovereignty. To permit an Indian (such as McMillan) to consent to state court jurisdiction when he chooses to do so, and thereby to allow him to choose between two, oft times conflicting standards of conduct, would impair a tribal sovereignty. The state court's lack of jurisdiction, therefore, must be because of a lack of subject matter jurisdiction, rather than a lack of personal jurisdiction, which is waivable. See Sigana v. Bailey, et al., 164 N.W.2d 886 (Minn. 1969); Smith v. Temple, 152 N.W.2d 547 (S.D. 1967); Valdez v. Johnson, 362 P.2d 1004 (N.M. 1961).

(3) Again, however, due to the manner in which these legal and jurisdictional questions were originally raised in Circuit Court and due to the fact that similar questions had subsequently arisen in another suit which will be discussed below, the Choctaw Tribal Government has, on advice of Counsel, abandoned its initial decision to attempt to secure a rehearing of the McMillan v. Tate case by the State Supreme Court and/or to seek a review of the decision by the U.S. Supreme Court under a writ of certiorari.

Question 5 was formally raised on May 18, 1972, when the United States Government filed a complaint for injunctive relief in U.S. District Court on behalf of the Mississippi Band of Choctaw Indians and its instrumentalities, with the intent to enjoin the Mississippi State Tax Commission (or any other State agency) from assessing, collecting or attempting to collect taxes levied by the provisions of the Mississippi Sales Tax Law from the tribe or instrumentalities thereof.

This suit, U.S. v. State Tax Commission, et al., resulted from a request for assistance by the Choctaw Tribal Government following

(1) The refusal of the State Tax Commission to recognize that the Chata Development Company and the Choctaw Housing Authority were instrumentalities of the Mississippi Band of Choctaw Indians, and that as such (under State law), they were entitled to exemption from State Sales Tax.

(2) The refusal of the State Tax Commission to recognize the specific sales tax exemption provided for the Mississippi Band of Choctaw Indians under State law.

(3) The attempts by the State Tax Commission to coerce the Chata Development Company to pay taxes which the commission alleged were owned by the Company.

On June 21, 1972, the State Tax Commission filed its answer to the Federal Government's complaint for injunctive relief, asserting that the U.S. District Court did not have jurisdiction over this action and citing the McMillan v. Tate case to raise questions 1, 2, and 3 again. Moreover, it denied that the Chata Development Company and the Choctaw Housing Authority were instrumentalities of the tribe.

Following an initial hearing on June 30, 1972, Federal District Judge Harold Cox decided to handle presentation of

the evidence in two segments with

(1) The jurisdictional questions (questions 1, 2 and 3 above) to be heard on July 10, 1972.

(2) The factual status questions (question e above; whether the Chata Development Company and Choctaw Housing Authority are instrumentalities of the tribe; whether the State Tax Commission had sought to coerce payment of taxes from these entities, etc.) to be heard on August 21, 1972.

If the outcome of U.S. v. State Tax Commission, et al. is not favorable for the tribe with respect to these questions, the U.S. will appeal on the tribe's behalf. The importance of this decision and the implications it has for the independent political growth of the Mississippi Band of Choctaw Indians and the economic development of the Choctaw Reservation are obvious.

Additional jurisdictional questions have been raised by the Choctaw Tribal Government during FY 1972 vis a' vis the right of the State of Mississippi to tax or regulate trade or transactions which occur on the Choctaw Reservation.

- On June 2, 1972, counsel for the tribe submitted a lengthy memorandum stating the tribe's case and requested an opinion from the Attorney General of the State of Mississippi on whether gasoline sold at retail to Indians by the Mississippi Band of Choctaw Indians within the limits of the Choctaw Indian Reservation in Mississippi is subject to the excise tax imposed by the Mississippi Code (questions 5 and 6 above). The tribe began selling gasoline from its Consumer Cooperative on May 25, 1972, and the State excise tax referred to is now 10¢ per gallon.

  On June 13, 1972, the Tribal Chairman, in his dual capacity as Chairman of the Mississippi Band of Choctaw Indians and President of the Board of Directors, Chata Development Company, submitted a lengthy letter outlining the tribe's position (on question 6 above) and requesting an opinion from the State Attorney General's Office on whether the laws of the State of Mississippi would preclude the award of a construction contract to the Chata Development Company by the Choctaw Tribal Council through direct negotiations of the contract without competitive bidding. The Tribal Chairman also requested an opinion as to whether such a transaction

would be subject to state taxation. The Chata Development Company is domiciled on the Choctaw Reservation; the negotiation of the construction contract will occur within its limits and the facility (a $98,750 Adult Corrections Center--LEAA funded) will be constructed thereon.

- On June 5, 1972, the Choctaw Tribal Government submitted (under protest) a request for a State Retail Tobacco Permit and Privilege License so that the Choctaw Consumer Cooperative Enterprise would be licensed to sell tobacco products (question 5 above). The state's authority to require a tribal enterprise operating on the Choctaw Reservation to purchase such a permit will be challenged at a later date.

  To date, these questions are unresolved, and the State Attorney General's Office has indicated its intent to defer response to them until after the U.S. District Court renders its decision in U.S. v. State Tax Commission, et al.

  It should be noted that the State of Mississippi made no attempt to assert its jurisdiction over the Choctaw Reservation (with respect to taxation or regulation of tribal entities or transactions occurring thereon) during 26 of the 27 years since the tribe was organized in 1945.

  There is no question that recent developments on the Choctaw Reservation (expanded housing and facilities construction program, increased annual Tribal Budget, large influx of Federal funding, etc.; see Figure B1) and pressure from local (non-Indian) contractors and businessmen has prompted this sudden interest.

b. Alcoholism/Bootlegging Problems

On December 5, 1971, the Choctaw Tribal Chairman forwarded a telegram to President Richard Nixon which pointed out that the illicit sale of alcohol to the Choctaw people was the greatest single cause of social, economic, and family problems which the Choctaw Indians face. The Chairman explained that

> "Surrounding the Choctaw Reservation are numerous establishments operated exclusively for the sale of alcoholic beverages to Choctaw Indians. Although this is illegal under

Mississippi law in Neshoba County, it is being permitted by county law enforcement authorities. Because of corruption and a breakdown of local law enforcement, we have no recourse but to ask your help."

This telegram was preceded by the murder of a young Choctaw man by the white proprietor of one of these bootlegging joints (on December 3, 1971) and was followed (on December 26, 1971) by the death of a 13-year old Choctaw girl following her rape by a white man. (This incident was initiated in another of these illegal bootlegging joints.)

These events and follow-up communications with Federal and State officials sparked two separate though complementary efforts to deal with this problem.[18]

At the Neshoba County level, efforts by State, local and Federal (BIA) officials resulted on

(1) The arrest and conviction of two bootleggers in connection with the murder of Emmitt Tinsley John (5 years for manslaughter) and the murder-rape of the 13 year old Choctaw girl mentioned above (life imprisonment for rape); these were landmark convictions for Neshoba County.

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[18]The bootlegging/corruption problems described in this telegram is as old as Neshoba County. The resultant alcoholism and alcohol abuse among the Choctaw people is responsible for 70% of all cases handled by Choctaw Legal Services, 85% of all cases brought before Tribal Court, 99% of all off-reservation arrests of Choctaws, 90% of outpatient problems treated by the Choctaw Service Unit, IHS, and 75% of all physical injuries treated by the Choctaw Service Unit, IHS.

This corruption has historically extended to all levels of the county government. Within the past decade, the Neshoba County Sheriff's Department, the Neshoba County Ku Klux Klan (which murdered 3 Civil Rights Workers in 1964) and the Neshoba County bootlegging operation have functioned as complementary organizations by virtue of the fact that

(1) Nearly every Neshoba County Sheriff and Field Deputy employed since 1960 has been involved in either the KKK or the bootlegging operation (or both).

(2) Most of the people known to have been Neshoba County KKK members during the 1960-1965 period (when the KKK was an active, powerful organization), are now known to be involved in the bootlegging operation.

(2) The issuance of Chancery Court orders permanently enjoining the proprietors of 15 Neshoba County bootlegging establishments from continuing to sell alcoholic beverages; such injunctions have never been issued with such frequency and effect in Neshoba County.

(3) The affirmation (by the State Supreme Court) of an earlier Newton County Circuit Court conviction of a (former) Neshoba County Deputy Sheriff for the illegal transportation of alcoholic beverages.

At the Federal and State level, lengthy undercover investigation of this bootlegging operation was initiated by the following agencies:

- o The U.S. Department of the Treasury--Alcohol, Tobacco and Fire Arms Division
- o The Mississippi State Tax Commission--Division of Alcohol Beverage Control
- o The Choctaw Agency, Bureau of Indian Affairs--Division of Law and Order; Division of Social Services

This investigation is still in process, but to date it has resulted in

(1) The July 19, 1972, arrest of 19 Neshoba County bootleggers for violations of Federal liquor laws after a 4-month undercover operation.

(2) The arrest of some 112 Neshoba County bootleggers for violations of State liquor laws from January 1, 1972, to June 1, 1972. (There were 116 such arrests by ABC agents in Neshoba County during 1970, and 202 arrests during 1971.)

At this point, however, bootleggers continue to operate open night clubs throughout Neshoba County in clear violation of Chancery Court orders, State Statutes and Federal Law; hence, the probable long-range impact of the heightened pressure now being brought to bear upon Neshoba County bootleggers and corrupt law enforcement officers is difficult to predict at this time. Nonetheless, the Choctaw Tribal Government is confident that continued cooperation between local, State, Federal, and Tribal officials--and the continued (joint) application of their resources at the levels and in the manner initiated by the tribe during FY 1972 can eventually bring about an end to this problem.

VIII. THE CHOCTAW SELF-DETERMINATION PROJECT: PRIORITIES FOR FY 1973

In accordance with Tribal Council Resolution CHO 18-72: A Resolution to Establish Goals and Objectives of the Tribal Council: 1971 - 1973, and the original Self-Determination Project Work Program, the Choctaw Tribal Government has outlined four (4) developmental priorities for Fiscal Year 1973. These priorities are designed to complement the work of FY 1972 and they will determine the areas toward which Center CSD Planning Staff time will be directed during the second year of the Office of Economic Opportunity funded Choctaw Self-Determination Project.

The Choctaw Tribal Chairman, in his capacity as Chief Executive Officer of the Choctaw Tribal Government, will direct the Center CSD Planning Staff toward the accomplishment of these priorities:

A. Completion, Implementation and Training of Staff for the Tribal Government Reorganization Plan

B. Continued Concentration upon the Manpower Development, Community Development, Economic Development, Educational and Health Improvement Objectives of the Tribal Council as Expressed in Resolution CHO 18-72

C. Acquisition of Industry and Establishment of Tribal Enterprises in the Choctaw Industrial Park; Research and Development of Tourist Development Projects on the Choctaw Reservation

D. Development of a 4-year Reservation Development-Tribal Government Action Plan to Include Provision for the Scheduled Contractual Absorption of Choctaw Agency, BIA, Programs and Funding by the Tribe

A. Tribal Government Reorganization Plan

As was discussed in Section III, B of this report, Article XIV of Resolution CHO 18-72 provides that "This Tribal Council shall seek to establish a more functional, efficient Tribal administrative-governmental structure by implementing improved management techniques so that Tribal services can be rendered more effectively to the Choctaw people."

Significant progress has been made toward the achievement of this objective during FY 1972, but a review of Section IV, C above clearly demonstrates that there is yet a great deal to be done if the first phases of the Tribal Government Reorganization Plan are to be fully implemented within the targeted time period. Moreover, plans for the establishment of additional governmental components (Police Force, Judicial System, etc.) have not yet been finalized.

The major organizational steps to be completed by the Choctaw Tribal Government during FY 1973 are detailed with target dates for their completion in Section IV, C.

In conjunction with the implementation of these organizational changes, the Tribal Government will provide Tribal employees (particularly program directors, enterprise managers) with supplemental training (including Adult Education and college-level coursework) designed to equip them with the knowledge and skills which they need to make the new government system function effectively. Particular emphasis will be placed upon training for management decision-making, utilization of resources to achieve target objectives and techniques of problem-solving.

To supplement this training, standard operating procedure manuals will be developed to assist Tribal Program Directors, Enterprise managers, supervisors, and administrative staff in achieving their objectives under the new Tribal Government System.

B. Achievement of Tribal Council Community Development Objectives

Substantial progress has been made during FY 1972 toward achieving the developmental objectives outlined in Articles I - XIII and XV of Resolution CHO 18-72. These articles outline the Council's desire to make concrete progress toward meeting "the manpower development, economic development, community development, educational and health needs of the Choctaw Tribe" during FY 1972 and 1973.

Even though many of the target objectives outlined in these articles have been achieved during FY 1972, most of the problem areas identified will continue to require followup attention during FY 1973 (and for years to come).

Accordingly, during FY 1973, the Tribal Government will continue to concentrate upon

1. Problem areas in which the Council's initial goals have been reached but for which followup attention is required to assist in utilization of resources secured, e.g. Early Childhood Development, Housing, Adult Education, Community Facilities, Legal Services.

2. Problem areas in which groundwork has been laid during FY 1972 but for which the Council's objectives have not been reached, e.g. Vocational-Technical Education, Management Training, Industrial Development, Tourism, Health Services, Establishment of the Choctaw School Board, Public Relations and Communications, settlement of tax and jurisdictional questions.

3. Problem areas in which little or no progress has been made

during FY 1972, e.g. improvement in local community organization, establishment of Arts and Crafts Enterprise, establishment of a Community Recreation Program, completion of reservation-wide Legal Code, development of alcoholism programs.

C. Industrial and Tourist Development

Recognizing the need for the development of a source of continuous (non-Federal) revenue for the Tribal Government and stable employment for the Choctaw people, the Tribal Government has committed itself

1. To securing "industry operated under Tribal auspices and housed on the Reservation, to enable the Choctaw people to obtain permanent and gainful employment in this area and to provide revenue for the Tribe."

2. To establishing "tourist-related industry and attractive water recreation facilities in conjunction with the continued development of the Choctaw Cultural Program and the Choctaw Arts and Crafts Program."

as provided in Articles II and III of Resolution CHO 18-72, respectively.

Toward this end, the Tribal Government will develop and disseminate an industrial brochure outlining the advantages to location in the Choctaw Industrial Park.

Preliminary groundwork for and followup on industrial prospects will be carried out by Economic and Industrial Development Specialists on the Center CSD Planning Staff in cooperation with the State and Federal Agencies discussed in Section VII, C above.

Similarly, a comprehensive Reservation-tourist development plan will be completed for distribution to the appropriate state and Federal Agencies (see Section VII, C above) so that the Tribe's plans will dovetail with State tourist development efforts, particularly with respect to the Edinburg Reservoir Project

In sum, the Tribal Government has outlined a cooperative approach to the establishment of revenue and employment producing, and tourist attracting industry on the Choctaw Reservation, utilizing Federal and State technical and funding assistance.

D. Reservation Development - Tribal Government Action Plan

The original Self-Determination Project Proposal posited a five (5) year project work program of which two years were initially funded by the U.S. Office of Economic Opportunity. The Choctaw Tribal Government outlined a five (5) year program because

of its realization that the groundwork for really fundamental and lasting change on the Choctaw Reservation cannot be established in less than four or five years.

Now that the Tribe has begun its second year of the Self-Determination Project, the need is clear for the development of a detailed four year Reservation Development-Tribal Government Action Plan. This plan will establish a time schedule in accordance with which the Tribal Government should complete specified developmental steps.

It is clear that this plan will be of optimal benefit to the Tribe if it is structured to outline a four (4) year action plan in accordance with which the Tribal Government can systematically continue the development of the Choctaw Reservation during the next Tribal Government Administration. If the proposed New Constitution and Bylaws of the Tribe is adopted by the Choctaw people during FY 1973, the next Tribal Government Administration (both Chairman and Council) will serve a 4-year term.

However, this plan will be designed for utilization by the next two succeeding two-year administrations in the event that the constitution is not adopted. This plan should also

1. Establish a time schedule in accordance with which the Tribal Government should complete specified reservation developmental steps over that four (4) year period.

2. Provide for the scheduled contractual assumption of Tribal Government control over Choctaw Agency, BIA, programs and funding, including provision for adequate facilities and staffing to accommodate these programs.

This plan will enable the Mississippi Band of Choctaw Indians to achieve the long-run Tribal developmental goals posited on Figure D and will contribute to the transformation of the concept of Indian Self-Determination on the Choctaw Reservation into the reality of Choctaw self-government.